

FACE SHEET

(See Instructions on Reverse)

RDB #1287-55

1989 JAN 26 AM 11:05

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING

FEB 24 1989

Office of Administrative Law

For use of Office of Adm Law

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

DEPARTMENT OF SOCIAL SERVICES

(AGENCY)

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date:

1-24-89

FILED
In this office of the Secretary of State
of the State of California

FEB 24 1989

At 4:48 o'clock P.M.

MARCH FONG EU, Secretary of State

By John J. [Signature]
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING
(See instructions)

TITLE

TELEPHONE

Rosalie Clark, Chief, Regulations Development Bureau

445-0313

2. Type of filing, (check one) ☒ 30-day Review ☐ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
- ☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
- ☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

Title MPP

SECTIONS ADOPTED:

SECTIONS AMENDED: 40-121.34 and 44-205.63

SECTIONS REPEALED: 44-317.22

- b. The following sections listed in 3a contain modifications to the text originally made available to the public: 40-121.34 and 44-205.63

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

- ☐ prior to the emergency adoption
- ☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

- ☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL: _____

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

- ☒ No ☐ Yes, if yes, give date statement was submitted to OAL: _____

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

- ☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
- ☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
- ☐ Other _____ (SPECIFY AGENCY)

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

b. DATE OF FINAL AGENCY ACTION

c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT.
CODE SEC. 11346.8(c))

January 29, 1988

1/25/89

12/13/88 - 12/28/88

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

- a. ☐ Effective 30th day after filing with the Secretary of State.
- b. ☐ Effective upon filing with the Secretary of State.
- c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
- d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
- Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
- e. ☒ Effective on 4/1/89 (Designate effective date *later than* the normal effective date for the type of order filed.)

Amend Section 40-121.34 to read:

40-121 COMPLETING THE APPLICATION (Continued)

40-121

.3 The Application Form (Continued)

The application is recorded on the Form CA.1. A copy of the completed application shall be given to the applicant at the time he/she applies. An application shall not be required for:

.31 (Continued)

.32 (Continued)

.33 (Continued)

.34 A request to add a person to the Assistance Family Budget Unit in AFDC. HANDBOOK (See Section 40-118.1.)
END OF HANDBOOK

.35 (Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Section 10554, Welfare and Institutions Code.

Amend Section 44-205.63 to read:

44-205 ESTABLISHING THE FBU (Continued)

44-205

.6 Aid Based on Pregnancy

.61 (Continued)

.62 (Continued)

.63 The application for aid based on pregnancy and/or the application for the pregnancy special need is considered an application for the "family". See Section 40-103.5. In addition to the pregnant woman, the family includes the following:

.631 The unborn, when born and living with the mother and.

a. The otherwise eligible newborn shall be added to the assistance unit effective the date the newborn joins the assistance unit and meets the conditions of eligibility. [HANDBOOK: In most cases the effective date of including the needs of the newborn will be the date of birth. END HANDBOOK]

.632 The father of the unborn when he is in the home at the time application is made and through the month of birth. See Section 44-206.1(kj).

a. The unaided father shall be added to the assistance unit effective the date the father meets all eligibility requirements, on or after the date the child is born.

.64 (Continued)

.641 (Continued)

.642 (Continued)

.643 (Continued)

.644 (Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10553 and 10604, Welfare and Institutions Code; 45 CFR 205.10(a)(1)(vii), U.S. Department of Health and Human Services AFDC transmittal no. SSA-AT-86-1 dated January 13, 1986, pages 10 to 11.

Repeal Section 44-317.22 to read:

44-317 BEGINNING DATE OF AID (Continued)

44-317

.2 Aid Begins on a Specified Date (continued)

.21 (Continued)

.22 When the mother of a newborn is being aided as a pregnant woman under Section 44-205.26 or is receiving a pregnancy special need payment under Section 44-211.4 in the month of birth:

.221 aid for the otherwise eligible newborn begins on the date of birth and

.222 aid for the otherwise eligible unaided father begins on date of birth of the newborn when

(a) the father was living in the home at the time of application for aid and/or the pregnancy special need and

(b) the father was living in the home up to and including the month of birth.

Authority Cited: Sections 10553, 10554 and 10604, Welfare and Institutions Code.

Reference: Sections 10553, 10604 and 11056, Welfare and Institutions Code, and 45 CFR Section 206.10(a)(6).

OFFICE OF ADMINISTRATIVE LAW
CERTIFICATION
OF
APPROVAL

FILED

In this office of the Secretary of State
of the State of California

FEB 24 1989

At 4:48 o'clock P.M.

MARCH FONG EU, Secretary of State

By *Robert B. ...*
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking
file identified below were reviewed and approved by the Director of the
Office of Administrative Law in the city of Sacramento, state of
California.

Submitting Agency: Department of Social Services

DAL File No: 89-0126-01

[Signature]
LINDA STOCKDALE BREWER
DIRECTOR

2/24/89
Date

FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

State Department of Social Services

(AGENCY)

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 1-26-89

FILED

In this office of the Secretary of State
of the State of California

FEB 24 1989

At 4:48 o'clock P. M.

MARCH EONG EU, Secretary of State

By [Signature]
Deputy Secretary of StateENDORSED
APPROVED FOR FILING
FEB 24 1989Office of Administrative Law
For use of Office of Adm Law

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING
(See instructions)
Rosalie P. Clark Chief, Regulations Development Bureau 445-0313
2. Type of filing, (check one) ☒ 30-day Review ☐ Emergency ☐ Certificate of Compliance
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
(Complete Part 4 below)
3. a. Specify California Administrative Code title and sections as follows:
Title 22
SECTIONS ADOPTED: 82500, 82501, 82522, 82564, 82565, 82565.1, 82565.5 (continued on attachment)
SECTIONS AMENDED: 800001
SECTIONS REPEALED:
- b. The following sections listed in 3a contain modifications to the text originally made available to the public: 80028, 80032, 82501, 82522, 82564, 82565, 82565.1, 82565.5, 82568.2, 82568.3 (continued on attachment)
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)
☐ prior to the emergency adoption
☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?
☐ No ☒ Yes, if yes, give date(s) of prior submittal(s) to OAL: August 26, 1988
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?
☒ No ☐ Yes, if yes, give date statement was submitted to OAL
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)
☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
☐ State Fire Marshall (Attach approval) ☒ Department of Finance (Attach properly signed Std. 399)
☐ Other _____ (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER
September 4, 1987
b. DATE OF FINAL AGENCY ACTION
JAN 26 1989
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))
1988 and December 8 to 22, 1988
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)
a. ☒ Effective 30th day after filing with the Secretary of State.
b. ☐ Effective upon filing with the Secretary of State.
c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
e. ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

3. a. Sections Adopted Continued:

82568.2, 82568.3, 82568.5, 82575, 82575.1, 82576, 82576, 82577, 82579,
82587, 82587.2, 82587.3, 82587.4, 82588, and 82588.2

b. Sections Containing Modifications Continued:

82568.5, 82570, 82575, 82575.1, 82576, 82577, 82579, 82587, 82587.2, and 82588

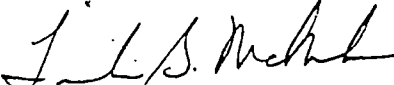
DELEGATED AUTHORITY ORDER

I hereby authorize and designate the following individuals as the agency contact persons who have authority, during the Office of Administrative Law review period, to make decisions and answer questions regarding regulations adopted by the Department of Social Services.

Rosalie P. Clark, Chief
Regulations Development Bureau

James Rhoads, Assistant Chief
Regulations Development Bureau

This designation shall be effective on 8-26-88, 1988 and shall remain in effect until superseded or cancelled.


Linda S. McMahon
Director

8-26-88
Date

Amend Section 80001 to include a new (a)(45); and renumber (a)(45) through (a)(49) to read:

80001 DEFINITIONS

80001

(a) The following general information shall apply wherever the terms are used throughout Division 6, Chapters 1 through 7 and Chapter 9, except where specifically noted otherwise. Additional definitions found at the beginning of each chapter in this division shall apply only to such specific facility category. (Continued)

(45) "Social Day Care Facility" means a community based group program designed to meet the needs of functionally impaired adults through an individual plan of care in a structured comprehensive program that provides a variety of social and related support services in a protective setting on less than a 24-hour basis.

(456)

(467)

(478)

(489)

(4950)

Authority Cited: Sections 1502.2 and 1530, Health and Safety Code.

Reference: Sections 1501, 1502, 1502.2, 1503, 1505, 1507, 1508, 1509, 1511, 1520, 1522, 1524, 1525, 1525.5, 1526, 1527, 1529, 1530, 1530.5, 1531, 1533, 1534, 1537, 1550, 1551, and 11834.11, Health and Safety Code; and Section 11006.9, Welfare and Institutions Code.

Adopt Division 6, Chapter 3.5 and Section 82500 to read:

Chapter 3.5 SOCIAL DAY CARE FACILITIES

Article 1. General Requirements

82500 GENERAL

82500

(a) Social Day Care Facilities, as defined in Section 80001(a)(45), shall be governed by the provisions specified in this chapter and in Chapter 1, General Requirements.

Licensing

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502.2, and 1531, Health and Safety Code.

Adopt Section 82501 to read:

82501 DEFINITIONS

82501

(a) In addition to Section 80001, the following shall apply:

- (1) "Assessment" means a written evaluation which identifies the participant's strengths and his/her social and other related needs.
- (2) "Careprovider" means any person or institution having the responsibility for the participant's primary care needs outside the facility.
- (3) "Consultant" means a person professionally qualified by training and experience to provide expert information on a particular subject and/or to provide services not otherwise available through the facility's personnel.
- (4) "Direct Care Staff" means those persons in the facility who provide care and supervision to participants at least 70 percent of the hours of program operation per month or who supervise direct care staff.
- (5) "Formal Supports" means the formal network of social, health, financial, and other services offered by public and private agencies.
- (6) "Functionally Impaired Adult" means an adult who does not require continuous on-site medical supervision, yet has a limited capacity for independence in the following:
 - (A) In activities of daily living such as grooming, bathing, toileting and other hygiene care.
 - (B) In instrumental activities of daily living such as paying bills, cooking, shopping and using the telephone.
- (7) "Individual Plan of Care" means a written plan of services provided to a participant of a social day care facility according to the documented assessed needs of that participant.
- (8) "Participant" means any person admitted to a social day care program. Participant is equivalent to "client" as used in the general licensing requirements.

(9) "Social Day Care Services" means those non-medical services provided in a social day care facility to adults with physical, emotional or mental impairments, and who require assistance and supervision. Such persons include, but are not limited to, the following:

(A) Those persons who require assistance with personal activities of daily living (bathing, dressing, grooming, etc.) and instrumental activities of daily living (laundry, shopping, paying bills, etc.). These persons may live independently, at home with a careprovider, in a community care facility, or in a health facility but do not require a medical level of care during the day.

(B) Those persons who require assistance and supervision in overcoming the isolation associated with functional limitations or disabilities.

(C) Those persons who, without program intervention, are assessed to be at risk of physical deterioration or premature institutionalization due to their psychological condition.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502.2, and 1531, Health and Safety Code.

Adopt Articles 2. and 3., and Section 82522 to read:

Article 2. Licensing (Reserved)

Article 3. Application Procedures

82522 PLAN OF OPERATION

82522

(a) In addition to Section 80022, the following shall apply:

(b) The plan shall contain:

(1) Description of services to be provided.

(2) Hours of operation consistent with the plan of operation and program purpose and goals.

(3) Description of the participant group to be served.

(c) Each social day care facility shall have, in writing, a plan for internal evaluation of its operation and services. The plan shall include a timetable for completing an annual evaluation, the areas that will be addressed in this evaluation, and the methodology to be used. A copy of the final annual evaluation shall be kept on file at the facility and shall be available to the licensing agency during site visits.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502.2, 1520, and 1531, Health and Safety Code.

Adopt Articles 4., 5., and 6., and Section 82564 to read:

Article 4. Administrative Actions (Reserved)

Article 5. Civil Penalties (Reserved)

Article 6. Continuing Requirements

82564 ADMINISTRATOR - QUALIFICATIONS AND DUTIES 82564

(a) In addition to Section 80064, the following shall apply.

(b) All social day care facilities shall have an administrator.

(1) If an administrator is responsible for two or more social day care facilities, there shall be at each site an employee who is responsible for the day-to-day operation of the facility and who meets the following qualifications:

(A) A baccalaureate degree in psychology, social work or a related human services field; or

(B) A minimum of one year of experience in a supervisory or management position in the human services delivery system.

(2) An administrator shall not be responsible for more than five facilities.

(c) When the administrator or the employee specified in (b)(1) above is absent from the facility, there shall be coverage by a substitute designated by the licensee, who meets the qualifications of Section 80065, who is on site, and who shall be capable of, and responsible and accountable for the management and administration of the facility in compliance with applicable laws and regulations.

(1) When the administrator is absent from the facility for more than 30 consecutive days, the licensee shall designate a substitute who meets the qualifications of an administrator as specified in Section 80064 and (d) below.

(2) When the employee specified in (b)(1) above is absent from the facility for more than 30 consecutive days, the licensee shall designate a substitute who meets the

qualifications of an administrator as specified in Section 80064 and (d) below.

(d) The administrator shall meet the requirements specified below:

(1) A baccalaureate degree in psychology, social work or a related human services field and a minimum of one year experience in the management of a human services delivery system, or

(2) Three years experience in a human services delivery system including at least one year in a management or supervisory position and two years experience or training in one of the following:

(A) Care and supervision of participants in a licensed adult/social day care or an adult day health care facility.

(B) Care and supervision of one or more of the categories of persons to be served by the facility.

(e) Administrators employed prior to the effective date of this section shall remain qualified provided that they have no break in employment as an adult day care facility administrator exceeding three consecutive years.

(f) The administrator shall:

(1) Provide for continuous supervision of all participants.

(2) Supervise the operation of the facility.

(3) Comply with applicable laws and regulations.

(4) Communicate with the Department as required by applicable laws and regulations.

(5) Acknowledge the receipt of the Department's correspondence, notices, or field reports when the Department has requested a response.

(6) Assure the timely correction of all cited deficiencies.

(7) Adjust the program to accommodate the needs of all participants.

(8) Coordinate all activities and services.

- (9) Recruit, hire, and generally supervise all staff.
- (10) Provide initial orientation for all staff and ongoing educational and training programs for the direct care staff.
- (11) Arrange for special provision for the care and supervision, including health, safety, and guidance, of participants who have special needs.

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- (A) Such provisions may include additional staff to supervise participants who wander, to maintain mechanical medical aids, and to monitor toileting schedules.
- (B) Other special needs of participants may include safety and emergency information in large lettering and/or in braille and lights to alert the deaf to emergencies.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502.2, 1531, and 1562, Health and Safety Code.

Adopt Section 82565 to read:

82565 PERSONNEL REQUIREMENTS

82565

- (a) In addition to Section 80065, the following shall apply:
- (b) There shall be at least two persons on duty, at least one of whom is a direct care staff member, at all times when there are two or more participants in the facility.
- (c) The licensee shall provide for an overlap of staff at each shift change to ensure continuity of care.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502.2, 1531, and 1562, Health and Safety Code.

Adopt Section 82565.1 to read:

82565.1 PERSONNEL QUALIFICATIONS AND DUTIES

82565.1

(a) The licensee shall develop, maintain, and implement a written plan for the orientation, continuing education, on-the-job training and development, supervision, and evaluation of all direct care staff.

(1) The plan shall require direct care staff to receive and document a minimum of 20 clock hours of continuing education during the first 18 months of employment or within 18 months after the effective date of these regulations, and during each three-year period thereafter.

(2) The administrator shall receive and document a minimum of 30 clock hours of continuing education every 24 months of employment.

(3) Continuing education shall include completion of courses related to the principles and practices of care of the functionally impaired adult including, but not limited to, workshops, seminars, and academic classes.

(A) Courses shall be approved in writing by the licensing agency.

(b) For each group of 25 participants, or fraction thereof, there shall be at least one direct care staff person who has a baccalaureate degree in a health, social or human service field, or one year documented full-time experience providing direct services to frail or physically, cognitively, or emotionally impaired adults.

(c) The program shall provide staff to perform the following duties:

(1) Support staff

(A) Administrative support, including clerical, bookkeeping, and accounting.

(B) Cooking

(C) Housecleaning

(D) Maintenance of facility buildings, grounds, fixtures, furniture, equipment, and supplies.

- (2) Direct care staff shall be responsible for care and supervision of participants, as defined in Section 80001(a)(10).
- (3) Direct care staff shall not be assigned to any of the support staff duties specified in (c)(1) above unless the care and supervision needs of participants have been met.
 - (A) During the performance of support staff duties a direct care staff member shall not be counted in the staff-to-participant ratio specified in Section 82565.5.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502.2, 1531, and 1562, Health and Safety Code.

Adopt Section 82565.5 to read:

82565.5 STAFF-TO-PARTICIPANT RATIO

82565.5

- (a) There shall be an overall ratio of not less than one direct care staff member providing care and supervision for each group of eight participants, or fraction thereof, present.
- (b) Notwithstanding Section 80065(c), volunteers may be included in the staff-to-participant ratio if the volunteer meets the requirements for direct care staff as specified in Section 82501(a)(4).

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502.2, and 1531, Health and Safety Code.

Adopt Section 82568.2 to read:

82568.2 ASSESSMENT AND INDIVIDUAL PLAN OF CARE

82568.2

- (a) Each facility shall be responsible for the assessment and any reassessment of a participant and the development of a participant's individual plan of care.
- (b) The following persons shall be involved in the development of the assessment and any reassessment of a participant and the development of a participant's individual plan of care:
 - (1) The participant and his/her authorized representative, if any.
 - (2) The careprovider.
 - (3) The administrator of the facility or his/her designee.
 - (4) A direct care staff person as specified in Section 82565.1(b).
- (c) A comprehensive written assessment shall be completed. The assessment shall identify the individual's strengths and needs.
 - (1) The assessment shall include:
 - (A) A social history, identification of formal support systems, description of limitation of activities of daily living skills, and mental and emotional status. These items shall be completed prior to admission.
 - (B) A written medical assessment of the participant as specified in Section 80069.
 - (2) An assessment completed by another social service or health agency may be used if it is determined that the participant's physical, mental or emotional status has not significantly changed since the assessment.
 - (A) The assessment shall be no more than six months old.
- (d) Each participant shall have a written individual plan of care that includes all of the following:
 - (1) Summary of assessment findings.

(2) Individual service plan which shall include:

- (A) Scheduled days of attendance.
- (B) A plan to meet the transportation needs of the participant.
- (C) Time-limited goals and objectives of the care and services to be provided, with provisions for review and modifications as needed.
- (D) An individual activity plan designed to meet the needs of the participant for psychosocial and recreational activities.
- (E) Recommendations for referrals to other service providers and therapy which the social day care facility will coordinate.
- (F) Prescribed medications, dosages, and frequency, if any.

(3) Reassessments as specified in Section 82568.3.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502.2, 1507, and 1531, Health and Safety Code.

Adopt Section 82568.3 to read:

82568.3 Modifications to the Assessment and Individual Plan of Care 82569.3

- (a) A reassessment shall be completed for each participant at least every six months or more frequently, if needed, to assure the accuracy of the assessment and appropriateness of the individual plan of care, and to document significant occurrences which result in changes in the participant's physical, mental, and/or psychological functioning.
- (b) An updated list of medications currently taken by the participant shall be included in the reassessment.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502.2, 1507, and 1531, Health and Safety Code.

Adopt Section 82568.5 to read:

82568.5 PROCEDURES FOR DISCHARGE

82568.5

- (a) A minimum of two weeks notice shall be given to a participant and his/her family and careproviders if it is determined that the facility can no longer meet the needs of the participant, and he/she must be discharged from the program.
- (b) The immediate discharge of an individual shall be allowed when it is determined that the individual's condition has suddenly changed and participation in the facility is likely to cause danger to self or others.
 - (1) The licensing agency shall be notified by telephone within the agency's next working day during normal business hours and in writing within seven days when a participant is discharged without the two weeks notice.
- (c) The facility shall refer the participant to other agencies for continuing care and follow-up, as needed.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502.2, and 1531, Health and Safety Code.

Adopt Section 82570 to read:

82570 PARTICIPANT'S RECORDS

82570

- (a) In addition to Section 80070, the following shall apply:
- (b) Each record shall contain, but is not limited to, the following information.:
- (1) Assessment and reassessments as specified in Sections 82568.2 and 82568.3.
 - (2) Plan of care as specified in Sections 82568.2(d) and 82568.3(a).
 - (3) Authorization, signed and dated by the participant or his/her authorized representative, to specific individuals/agencies for release of medical information.
 - (4) Authorization, signed and dated by the participant or authorized representative, for the participant to receive emergency medical care, if necessary, or a statement signed and dated by the participant or authorized representative, that the participant will not sign an authorization.
 - (5) Correspondence and incident reports relating to the participant.
 - (5) Reason for discharge from the facility.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502.2, and 1531, Health and Safety Code.

Adopt Section 82575 to read:

82575 HEALTH-RELATED SERVICES

82575

- (a) In addition to Section 80075, the following shall apply:
- (b) The social day care facility shall notify the family/careprovider and/or physician of any significant changes in the participant's physical or mental condition.
- (c) The facility shall make available health education material to the participants, family, and careproviders.
- (d) The facility shall encourage and/or arrange appropriate contacts with health professionals and facility staff shall keep themselves informed of the participant's health status.
- (e) The facility shall train program staff and participants in emergency procedures.
- (f) The facility shall have at least one full-time staff member who has a current certificate in first aid and cardiopulmonary resuscitation present in the facility during operating hours.
- (g) The facility staff shall call emergency medical personnel whenever necessary, with or without the authorization required in Section 82570(b)(4).

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502.2, 1507, and 1531, Health and Safety Code.

Adopt Section 82575.1 to read:

82575.1 DAILY INSPECTIONS FOR ILLNESS

82575.1

(a) The licensee shall ensure daily that participants with obvious symptoms of illness, including, but not limited to, fever and vomiting, are not allowed in the facility unless they are separated from other participants.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502.2, 1507, and 1531, Health and Safety Code.

Adopt Section 82576 to read:

82576 FOOD SERVICES

82576

- (a) In addition to Section 80076, the following shall apply.
- (b) A participant in care for less than eight hours shall be provided meals and snacks so that no more than three and a half hours elapse between food service.
- (c) A participant in care for a period of eight hours or longer shall be provided a mid-morning snack, lunch, and a mid-afternoon snack.
- (d) A licensee who accepts a participant at 7:00 a.m. or earlier shall include a statement in the admission agreement of each participant regarding provision of breakfast.
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(1) This requirement is not intended to require that the licensee provide breakfast, only that the admission agreement state whether or not breakfast will be provided.
- (e) Participants shall be permitted to bring their own food to the facility unless otherwise stated in the admission agreement.
- (1) If the participant brings all or part of his/her own food to the facility, the licensee shall ensure that food service requirements specified in (b) and (c) above, are met.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502.2, and 1531, Health and Safety Code.

Adopt Section 82577 to read:

82577 PERSONAL SERVICES

82577

- (a) When necessary, personal care assistance and supervision shall be provided to participants. This service shall include, but is not limited to, assistance with activities of daily living, such as walking, eating, grooming, toileting, and supervision of personal hygiene.
- (b) Psychosocial support services shall be available to each participant and his/her family.
 - (1) The facility shall assist participants and careproviders to understand and provide for each other's needs.
 - (2) The facility shall inform the family and careprovider of changes in the participant's physical, emotional, or cognitive status.
 - (3) The facility shall help the careprovider to understand any changes in the participant and make referrals as necessary.
- (c) Information and referral services shall be available to the participants and their families.
- (d) The facility shall establish linkages with other community agencies and instructions to staff to coordinate services.
- (e) Participants who are incontinent shall be taken to the toilet every two hours or as scheduled in the individual plan of care.
- (f) After incontinent elimination, the participant shall be cleaned and towel-dried.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502.2, and 1531, Health and Safety Code.

Adopt Section 82579 to read:

82579 ACTIVITIES

82579

- (a) Social day care activities shall be designed to meet the participant's specific needs and interests, as determined by the individual plan of care, and shall be consistent with the facility's plan of operation.
- (1) Activities shall be planned by the administrator or the direct care staff allowing input from participants, family, careproviders, or volunteers.
- (2) The facility shall have a written plan of activities consistent with the program goals. The plan is an on-going process and shall be reviewed and revised as necessary to assure that the facility program and participants' goals are being met.
- (b) All program activities shall be supervised by direct care staff.
- (c) The facility shall encourage participants to take part in activities unless otherwise indicated in the individual plan of care.
- (d) Participants shall be given rest periods as required in the medical assessment specified in Section 80069 or as desired by the participants.
- (e) Activities shall be conducted with appropriate space, equipment, and supplies as specified in Sections 82587.2, 82587.3, and 82588(i).
- (f) A monthly calendar of activities shall be prepared and posted in a visible location within the facility. The calendar shall be made available to anyone who requests a copy.
- (g) Daily activities shall be posted in a visible location within the facility.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502.2, and 1531, Health and Safety Code.

Adopt Article 7. and Section 82587 to read:

Article 7. Physical Environment

82587 BUILDINGS AND GROUNDS

82587

- (a) In addition to Section 80087, the following shall apply.
- (b) There shall be office space available on the premises for private interviews conducted by facility staff.
- (c) Rooms or areas for rest periods shall be provided.
- (d) When a social day care program is located in a place where other activities or programs may be conducted, the social day care program shall have its own separate identifiable space during the hours of operation.
- (e) Sufficient parking area shall be available for safe arrival and departure of participants.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502.2, and 1531, Health and Safety Code.

Adopt Section 82587.2 to read:

82587.2 OUTDOOR ACTIVITY SPACE

82587.2

(a) If outdoor activity space is provided, it shall:

- (1) Be free of safety hazards.
- (2) Provide protection from traffic.
- (3) Provide a shaded rest area for the participants.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502.2, and 1531, Health and Safety Code.

Adopt Section 82587.3 to read:

82587.3 INDOOR ACTIVITY SPACE

82587.3

(a) The licensee shall ensure safe and healthy indoor activity space for participants.

(b) A space shall be provided for participants not actively participating in the planned activity programs.

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(1) This area can be a library, study room, or areas adjacent to the activity.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502.2, and 1531, Health and Safety Code.

Adopt Section 82587.4 to read:

82587.4 STORAGE SPACE

82587.4

- (a) There shall be a space available for storage of participants' personal belongings.
- (b) There shall be space available for storage of staff members' personal belongings.
- (c) There shall be space available for storage of equipment and supplies necessary to implement the planned activity program.
- (d) There shall be space available on the premises for storage of the facility's current records specified in this chapter and Chapter 1.
- (e) Storage space may be either permanent or portable.

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Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502.2, and 1531, Health and Safety Code.

Adopt Section 82588 to read:

82588 FIXTURES, FURNITURE, EQUIPMENT, AND SUPPLIES 82588

- (a) In addition to Section 80088, the following shall apply.
- (b) Based upon the total licensed capacity, one hand-washing facility and one toilet providing individual privacy, shall be maintained for every group of 15 participants, or fraction thereof.
 - (1) Facilities licensed as adult day care facilities by the effective date of this chapter which become social day care facilities shall be permitted to continue operations with the toilet facilities previously approved.
- (c) Use of common towels and washcloths shall be prohibited.
- (d) Diapers and panty shield products shall be provided if the facility accepts participants who are incontinent and these products are not provided by the family or others.
 - (1) The licensee shall obtain a change of clothing from incontinent participants in case clothing becomes wet or soiled.
- (e) After each incontinent elimination, washcloths, towels, soiled bedding, clothing, and any cloths used for cleansing shall be placed in a sealed container and shall be laundered and sanitized.
- (f) Disposable diapers, panty shield products, and disposables used for cleansing shall be disposed of in a sealed bag.
- (g) Odors due to incontinent participants shall be controlled.
- (h) If beds are provided for resting, they shall be arranged to allow for unobstructed passage of personnel and of participants with assistive devices including, but not limited to, wheelchairs and walkers.
- (i) Facilities shall provide the equipment and supplies necessary to meet the requirements of the planned activity program.
 - (1) Equipment shall be safe and sanitary.
 - (2) A variety of games, reading materials, crafts, and other materials shall be provided.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502.2, and 1531, Health and Safety Code.

Adopt Section 82588.2 to read:

82588.2 DRINKING WATER

82588.2

(a) Drinking water from a noncontaminating fixture or container shall be readily available both indoors and outdoors.

(1) Participants shall be permitted to drink water whenever they wish.

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(2) Bottled water or portable containers will be allowed provided that:

(A) The water and containers are kept free of contaminations.

(B) Bottled water containers are secured to prevent tipping and breaking.

(3) All water used for drinking shall be potable as defined in California Administrative Code, Title 24, Part 5.

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(A) Title 24, Part 5 defines potable water as water which is satisfactory for drinking, culinary, and domestic purposes and meets the requirements of the health authority having jurisdiction.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502.2, and 1531, Health and Safety Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

In this office of the Secretary of State
of the State of California

FEB 24 1989

At 4:48 o'clock P.M.

MARCH FONG EU, Secretary of State

By *Robert B. Baker*
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking
file identified below were reviewed and approved by the Director of the
Office of Administrative Law in the city of Sacramento, state of
California.

Submitting Agency: Department of Social Services

DAL File No: 89-0131-04 R

Linda Stockdale Brewer
LINDA STOCKDALE BREWER
DIRECTOR

2/24/89
Date

FACE SHEET

(See Instructions on Reverse)

REC'D B4
OAL 2/17/89

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

RDB #1288-59

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

FILED
In this office of the Secretary of State
of the State of California

ENDORSED
APPROVED FOR FILING
FEB 27 1989

State Department of Social Services

FEB 27 1989
At 4:28 o'clock P.M.
MARCH FONG EU, Secretary of State
By [Signature]
Deputy Secretary of State

Office of Administrative Law

For use of Office of Adm Law

Date: 2/16/89

For use by Secretary of State only

EMERGENCY

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions) TITLE TELEPHONE

Rosalie Clark, Chief, Regulations Development Bureau (916) 445-0313
2. Type of filing, (check one) ☐ 30-day Review ☒ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
3. a. Specify California Administrative Code title and sections as follows:
Title 22 & MPP
SECTIONS ADOPTED: _____
SECTIONS AMENDED: _____
SECTIONS REPEALED: (See list attached)
- b. The following sections listed in 3a contain modifications to the text originally made available to the public: _____
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)
☐ prior to the emergency adoption
☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?
☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL: _____
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?
☒ No ☐ Yes, if yes, give date statement was submitted to OAL: _____
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)
☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
☐ State Fire Marshall (Attach approval) ☒ Department of Finance (Attach properly signed Std. 399)
☐ Other _____ (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER **Not Applicable**
b. DATE OF FINAL AGENCY ACTION **FEB 16 1989**
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c)) **Not Applicable**
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)
a. ☐ Effective 30th day after filing with the Secretary of State.
b. ☒ Effective upon filing with the Secretary of State. (2-28-89)
c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
e. ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline and strikethrough to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

Face Sheet (Std. Form 400 (Continued))

3. a. Sections Adopted:

Manual of Policies and Procedures (MPP) Sections 11-404 and 40-003.

Sections Amended: MPP Sections 11-400.1, 11-402.15 and .23, 30-142.2, 30-198.131, 30-332.2, 30-376.131, 30-476.123, 44-206.1, 45-101, 45-200, 45-201, 45-302.21, and 45-802.1.

Sections Amended:

Title 22 Sections: 80029(b), 83078, 84065.5, 84078, 87029(b), and 87078.

Sections Repealed: None.

DELEGATED AUTHORITY ORDER

I hereby authorize and designate the following individuals as the agency contact persons who have authority, during the Office of Administrative Law review period, to make decisions and answer questions regarding regulations adopted by the Department of Social Services.

Rosalie P. Clark, Chief
Regulations Development Bureau

James Rhoads, Assistant Chief
Regulations Development Bureau

This designation shall be effective on 8-26-88, 1988 and shall remain in effect until superseded or cancelled.



Linda S. McMahon
Director

8-26-88
Date

11-400

.1 Definitions (Continued)

(1) Infant Supplement - the amount paid to an eligible facility in addition to the AFDC-FC payment for a minor parent for a child living with his/her minor parent(s).

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Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11465, Welfare and Institutions Code.

Amend Sections 11-402.15 and .23 to read:

11-402 GROUP HOME RATE SETTING

11-402

.1 Rate Determination Process (Continued)

.15 Rate Computation

.151 In computing the monthly rate per child for each program, the total allowable costs for the cost reporting period for each program adjusted pursuant to .14 above, shall be divided by eighty-five percent of the licensed capacity for the cost reporting period except as specified in Section 11-402.151(b).

(a) Changes in licensed capacity during the year shall be prorated according to the length of time the program operated under each capacity.

(b) The following applies when computing the monthly rate per child for programs which include a minor parent(s) who has his/her child(ren) living with him/her in placement. This applies only to such programs where the licensed capacity includes the children receiving an infant supplement.

(1) The provider shall report the program's actual occupancy for the cost period in a format prescribed by the Department.

(2) The total allowable costs for the cost reporting period adjusted pursuant to Section 11-402.14, shall be divided by the average actual occupancy of the program for the cost reporting period. Average actual occupancy is the number of days children (excluding a child(ren) living with his/her minor parents(s)) are in the placement, divided by the number of days in the cost period.

BEGIN HANDBOOK

(3) Example of calculation to determine average actual occupancy of a program:

Excluding children living with their
minor parents:

(A) Multiply the number of group home
children who were in the program
for the entire month by the
number of days in the month. Add
the number of days for other
children admitted or discharged
during the month. The first day
of care is counted; the last day
is not. Do this for each month
in the cost reporting period.

(B) Then, add the monthly totals and
divide this number by the number
of days in the cost reporting
period. The resulting number is
the average actual occupancy for
the cost reporting period.

END HANDBOOK

11-402 GROUP HOME RATE SETTING (Continued)

11-402

.2 Allowable cost (Continued)

.23 Costs that are not allowable shall include but not be
 limited to the following:

1231 (a) (Continued)

1232 (b) (Continued)

1233 (c) (Continued)

1234 (d) (Continued)

1235 (e) (Continued)

1236 (f) (Continued)

1237 (g) (Continued)

1238 (h) (Continued)

1239 (i) (Continued)

(j) Any cost for a child living with his/her
minor parent.

Authority Cited: Sections 10553 and 10554, Welfare and
Institutions Code.

Reference: Sections 11462 and 11465, Welfare and
Institutions Code.

Adopt Section 11-404 to read:

11-404 INFANT SUPPLEMENT

11-404

- .1 The infant supplement paid shall be a uniform amount to cover the cost of care and supervision of a child in addition to the rate that would otherwise be paid for the minor parent's placement.
- .11 The amount paid for a child living with a minor parent in a group home placement who receives AFDC-FC shall be \$708 per month per child.
- .12 The amount paid for a child living with a minor parent in an eligible facility other than a group home who receives AFDC-FC shall be \$326 per month per child.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11465, Welfare and Institutions Code.

Amend Section 30-142.2 to read:

30-142 ASSESSMENT (Continued)

30-142

.2 The assessment shall include the information specified in
 Sections 30-198.131(a) through (~~g~~f).

Authority Cited: Sections 10553 and 10554, Welfare and
 Institutions Code.

Reference: Section 10553, Welfare and Institutions Code.

Amend Section 30-198.131 to read:

30-198 CASE RECORDS

30-198

.1 (Continued)

.13 (Continued)

.131 (a) (Continued)

(3) Other significant persons, including children and siblings, who are known to reside in the home. (Continued)

(f) If the child is a parent, identification of any special needs of the child with regard to his/her role as a parent.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11404(b)(2), Welfare and Institutions Code.

Amend Section 30-332.2 to read:

30-332 ASSESSMENT (Continued)

30-332

.2 The assessment shall include the information specified in
Sections 30-376.13 through .131 (gh).

Authority Cited: Sections 10553 and 10554, Welfare and
 Institutions Code.

Reference: Section 10553, Welfare and Institutions Code.

Amend Section 30-376.131 to read:

30-376 CASE RECORDS

30-376

.1 (Continued)

.13 (Continued)

.131 (a) (Continued)

(3) Other significant family members,
including children, siblings, and
others living in the home.
(Continued)

(f) If the child is a parent, identification
of any special needs of the child with
regard to his/her role as a parent.

(~~g~~) (Continued)

(~~h~~) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and
Institutions Code.

Reference: Section 11404(b)(2), Welfare and Institutions
Code.

Amend Section 30-476.123 to read:

30-476 CASE RECORDS

30-476

.1 (Continued)

.12 (Continued)

.123 For children not referred from the ~~f~~Family
~~r~~Reunification ~~p~~Program the assessment shall
include the information specified in Sections
30-376.131(a) through (~~e~~f).

Authority Cited: Sections 10553 and 10554, Welfare and
Institutions Code.

Reference: Section 10553, Welfare and Institutions Code.

40-003	IMPLEMENTATION OF EXCLUSION FROM ASSISTANCE	40-003
	UNIT OF CHILD OF MINOR PARENT RECEIVING AFDC-FC	

- Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

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Amend Section 44-206.1 to read:

44-206 PERSONS WHO MUST BE EXCLUDED FROM THE 44-206
 ASSISTANCE UNIT (AU)

.1 The following persons shall be excluded from the assistance unit (even if it would be appropriate to include them under Sections 44-205.4 or .5): (Continued)

(c) A child living with a minor parent who is a recipient of AFDC-FC.

Authority Cited: Sections 10553 and 10554, Welfare and
 Institutions Code.

Reference: Section 11263.5, Welfare and Institutions Code
 and 42 USCA, Section 602(a)(4).

Amend Section 45-101 to read:

45-101 DEFINITIONS (Continued)

45-101

(jj) Infant Supplement is the amount paid to an eligible facility in addition to the AFDC-FC payment for the minor parent for a child living with his/her minor parent.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11465, Welfare and Institutions Code.

Amend Section 45-200 to read:

45-200 AFDC-FC ELIGIBILITY (Continued)

45-200

.2 An infant supplement shall be paid for the care and supervision of a child living with his/her minor parent in the same eligible facility when the minor parent meets either of the requirements in Sections 45-200.11 or .12.

.3 The payment sections MPP Section 44-206 shall be effective February 28, 1989 and MPP Section 45-302.21 shall be effective March 1, 1989.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 11465, Welfare and Institutions Code.

45-302

.2 (Continued)

.21 Except as specified below, Payment shall only be made when the child resides in an eligible facility which is not the same home in which the parent(s) or relative(s) from whom the child was removed makes his/her home.

.211 An infant supplement shall be paid in addition to a minor parent's AFDC-FC payment for a child who is living in the same eligible facility with a minor parent who is receiving AFDC-FC.

.212 The infant supplement amount shall be determined pursuant to Section 11-404.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11465, Welfare and Institutions Code.

Amend Section 45-802.1 to read:

45-802 AAP ELIGIBILITY

45-802

.1 (Continued)

.13 A child for whom a facility received a federally
funded infant supplement is eligible for federal AAP
as long as the conditions of Welfare and Institutions
Code Section 16120 are met.

Authority Cited: Sections 10553 and 10554, Welfare and
 Institutions Code.

Reference: 42 USCA, Section 673(a)(2)(A)(iii).

Amend and renumber Section 80029(b) to read:

80029 CAPACITY DETERMINATION (Continued)

80029

(b) (Continued)

(4) Facilities which accept minor parents and his/her child(ren) shall have such children included in the facility's licensed capacity.

~~(45)~~ (Continued)

~~(56)~~ (Continued)

~~(67)~~ (Continued)

Authority Cited: Sections 1523, 1524 and 1530, Health and Safety Code.

Reference: Section 11465, Welfare and Institutions Code and Sections 1501, 1523, 1524, 1528 and 1531, Health and Safety Code.

Amend Section 83078 to read:

83078 RESPONSIBILITY FOR PROVIDING CARE
 AND SUPERVISION (Continued)

83078

(b) The licensee is responsible for ensuring care and supervision of the child(ren) of any minor parent in placement.

(1) Direct care and supervision of the child(ren) of a minor parent is to be provided during the hours that the minor parent is unavailable or unable to provide such care and supervision.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Section 11465, Welfare and Institutions Code
 and Sections 1501 and 1531, Health and Safety
 Code,

Amend and renumber Section 84065.5 to read:

84065.5 STAFF/CHILD RATIOS (Continued)

84065.5

(b) When the facility is providing direct care and supervision to the child(ren) of a minor parent(s) in placement, there shall be present on-duty, one child care staff person for every four children of minor parents, or fraction thereof.

(b) (Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Section 11465, Welfare and Institutions Code
 and Sections 1501 and 1531, Health and Safety
 Code.

Amend and renumber Section 84078 to read:

84078 RESPONSIBILITY FOR PROVIDING CARE AND
 SUPERVISION (Continued)

84078

(c) The licensee is responsible for ensuring care and supervision of the child(ren) of any minor parent(s) in placement.

(1) Direct care and supervision of the child(ren) of a minor parent is to be provided during the hours that the minor parent is unavailable or unable to provide such care and supervision.

(ød) (Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Section 11465, Welfare and Institutions Code
 and Sections 1501 and 1531, Health and Safety
 Code.

Amend and renumber Section 87029(b) to read:

87029 CAPACITY DETERMINATION (Continued)

87029

(b) (Continued)

(3) Facilities which accept a minor parent and his/her child(ren) shall have such child(ren) included in the facility's licensed capacity.

(~~3~~4) (Continued).

Authority Cited: Sections 1530 and 1530.5, Health and Safety Code.

Reference: Section 11465, Welfare and Institutions Code and Sections 1501 and 1531, Health and Safety Code.

Amend Section 87078 to read:

87078 RESPONSIBILITY FOR PROVIDING CARE AND
SUPERVISION (Continued)

87078

(b) The licensee is responsible for ensuring care and supervision of the child(ren) of any minor parent in placement.

(1) Direct care and supervision of the child(ren) of a minor parent is to be provided during the hours that the minor parent is unavailable or unable to provide such care and supervision.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Section 11465, Welfare and Institutions Code and Sections 1521, 1530 and 1531, Health and Safety Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

In this office of the Secretary of State
of the State of California

FEB 27 1989

At 4:28 o'clock P.M.

MARCH FONG EU, Secretary of State

By [Signature]
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: Department of Social Services

OAL File No: 89-0217-02 E

[Signature]
LINDA STOCKDALE BREWER
DIRECTOR

2-27-89

Date

FACE SHEET

(See Instructions on Reverse)

89-020901N

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

RDB #0289-02

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

NONSUBSTANTIVE

FILED

In this office of the Secretary of State
of the State of California

1989 FEB -9 PM 2 30
OFFICE OF
ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING

MAR 06 1989

Office of Administrative Law

State Department of Social Services

(AGENCY)

L. S. Michel

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date:

4/6/89

MAR 06 1989
At 4:34 o'clock P.M.
MARCH FONG EU, Secretary of State
By *Amelia Lin*
Deputy Secretary of State

For use of Office of Adm Law

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions) TITLE TELEPHONE
Rosalie Clark, Chief, Regulations Development Bureau (916) 445-0313
2. Type of filing, (check one) ☐ 30-day Review ☐ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
☒ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
3. a. Specify California Administrative Code title and sections as follows:
Title MPP
SECTIONS ADOPTED: _____
SECTIONS AMENDED: 41-700.1 and 41-701
SECTIONS REPEALED: _____
b. The following sections listed in 3a contain modifications to the text originally made available to the public: _____
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)
☐ prior to the emergency adoption
☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?
☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL: _____
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?
☒ No ☐ Yes, if yes, give date statement was submitted to OAL: _____
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)
☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
☐ Other _____ (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER N/A
b. DATE OF FINAL AGENCY ACTION FEB 07 1989
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c)) N/A
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)
a. ☐ Effective 30th day after filing with the Secretary of State.
b. ☒ Effective upon filing with the Secretary of State.
c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
e. ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1.** Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2.** Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a.** Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b.** Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4.** Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5.** Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6.** OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7.** Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a.** Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b.** Provide the date on which the regulatory agency adopted the regulatory changes.
- c.** If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9.** Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

Adopt Section title and designate the definition for State-only Assistance as Section 41-702.1 to read:

41-700 MISCELLANEOUS STATE/COUNTY FUNDED PROGRAMS 41-700

41-702 DefinitionsEFINITIONS 41-702

.1 State-only Assistance -

Assistance payments available to families who are ineligible for federal AFDC or would have income computed against the grant under a federal program which cannot be so computed under state law (including court orders).

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 10553, Welfare and Institutions Code.

Renumber Section 41-701 to Section 41-703 to read:

41-7013 STRIKER ASSISTANCE PROGRAM
(Reyna v. McMahon) (Continued)

41-7013

Authority Cited: Sections 10553 and 10554, Welfare and
Institutions Code.

Reference: Section 10553, Welfare and Institutions Code.

OFFICE OF ADMINISTRATIVE LAW CERTIFICATION OF APPROVAL

FILED

In this office of the Secretary of State
of the State of California

MAR 06 1989

At 4:34 o'clock P.M.

MARCH FONG EU, Secretary of State

By

Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: Department of Social Services

DAL File No: 89-0209-01N


LINDA STOCKDALE BREWER
DIRECTOR

3/6/89
Date

FACE SHEET

(See Instructions on Reverse)

1989 FEB -7 PM 2 33

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING

MAR 07 1989

Office of Administrative Law

For use of Office of Adm Law

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW
CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

State Department of Social Services

(AGENCY)

Lil S. Mehl

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 2/6/89

RDB #0288-09

FILED

In this office of the Secretary of State
of the State of California

MAR 07 1989

At 4:34 o'clock P. M.

MARCH FONG EU, Secretary of State

By *Mella King*
For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions) TITLE TELEPHONE
Rosalie P. Clark, Chief, Regulations Development Bureau 445-0313
2. Type of filing, (check one) ☒ 30-day Review ☐ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
3. a. Specify California Administrative Code title and sections as follows:
Title 22
SECTIONS ADOPTED:
SECTIONS AMENDED: 35000(bb), 35079(a)(1) through (5), 35095(a)(6)(A) through (D), and 35123(a)(2)(D), (a)(3) and (a)(4).
SECTIONS REPEALED:
b. The following sections listed in 3a contain modifications to the text originally made available to the public: 35000, 35079(a), 35095(a)(6)(A) through (D), and 35123(a)(2)(D), (a)(3) and (a)(4).
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)
☐ prior to the emergency adoption
☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?
☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL:
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?
☒ No ☐ Yes, if yes, give date statement was submitted to OAL
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☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
☐ Other (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER June 3, 1988
b. DATE OF FINAL AGENCY ACTION February 6, 1989
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c)) Dec. 12, 1988 through Dec. 27, 1988
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)
a. ☒ Effective 30th day after filing with the Secretary of State.
b. ☐ Effective upon filing with the Secretary of State.
c. ☐ Effective on _____ as required or allowed by the following statute(s):
d. ☐ Effective on _____ (Designate effective date earlier than 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
e. ☐ Effective on _____ (Designate effective date later than the normal effective date for the type of order filed.)

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- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
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 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
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- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

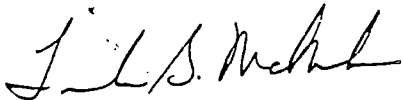
DELEGATED AUTHORITY ORDER

I hereby authorize and designate the following individuals as the agency contact persons who have authority, during the Office of Administrative Law review period, to make decisions and answer questions regarding regulations adopted by the Department of Social Services.

Rosalie P. Clark, Chief
Regulations Development Bureau

James Rhoads, Assistant Chief
Regulations Development Bureau

This designation shall be effective on 8-26-88, 1988 and shall remain in effect until superseded or cancelled.



Linda S. McMahon
Director

8-26-88
Date

Amend Section 35000(bb) to read:

35000 DEFINITIONS

35000

(a)-(aa) (Continued)

(bb) "Independent Adoption" means an adoption in which a birth parent selects the adoptive parents based upon the definition of "place for adoption" as specified in Civil Code Section 224g ~~places the child for adoption~~, and consents to the adoption.

HANDBOOK

(bb)(1) (Reserved)

(1) Civil Code Section 224g reads as follows:

"As used in this chapter, "place for adoption", in the case of an adoption to which neither the State Department of Social Services nor a licensed adoption agency is a party, means the selection of a prospective adoptive parent or parents for a minor child by the parent or parents. The selection shall be personally made by the parent or parents of the child and may not be delegated to an agent. The act of selection by the parent or parents shall be based upon his, her, or their personal knowledge of the prospective adoptive parent or parents. "Personal knowledge" includes, but is not limited to, substantially correct knowledge of all of the following regarding the prospective adoptive parents: their full legal name; age; religion; race or ethnicity; employment; whether other persons, whether children and adults, reside in their home; any health conditions curtailing their normal daily activities or reducing their normal life expectancy; and their general area of residence, or upon request, their address. "Prospective adoptive parent" means a person who has filed or intends to file a petition to adopt a minor who has been or who is to be placed in his or her physical care."

Authority Cited: Sections 10553, 10554, 16118, 16118(a) and 16141, Welfare and Institutions Code; and Health and Safety Code Section 1530.

Reference:

Sections 10553, 10554, 10800, 16000, 16115, 16116, 16118, 16120 and 16121, Welfare and Institutions Code; Sections 25, 62, 221, 224, 224m, 224n, 224q, 226.1, 226.2, 226.4, 226.6, 226a, 226c, 227, 227b, 232, 239, 7001, 7002, 7003, 7004 and 7017, Civil Code; Sections 251.2 and 1502, Health and Safety Code; 8 USC 1101 (b)(1)(F); 25 USC 1901, 1903(2), (3), (4), (5), (6), (8), (9), (11), (12); and 42 USC 673 and 675.

Amend Section 35079(a) to read:

35079 INVESTIGATION OF PETITION

35079

- (a) In an independent adoption, the agency shall investigate the adoption after the petition has been filed and file a court report recommending whether to grant the petition to adopt in accordance with Civil Code Sections 224g, 226.2, 226.5 and 226.6.

HANDBOOK

(a)(1) through (5) (Reserved)

The relevant portions of Civil Code Sections 224g, 226.2, 226.5 and 226.6 read as follows:

- (1) "Civil Code Section 224g: As used in this chapter, "place for adoption," in the case of an adoption to which neither the State Department of Social Services nor a licensed adoption agency is a party, means the selection of a prospective adoptive parent or parents for a minor child by the parent or parents. The selection shall be personally made by the parent or parents of the child and may not be delegated to an agent."
- (2) "Civil Code Section 226.2: In all cases of adoption in which no agency licensed to place children for adoption is a party, it shall be the duty of the State Department of Social Services or of the licensed county adoption agency to accept the consent of the natural parents to the adoption of the child by the petitioners and to ascertain whether the child is a proper subject for adoption and whether the proposed home is suitable for the child, prior to filing its report with the court."
- (3) "Civil Code Section 226.5: The State Department of Social Services or licensed county adoption agency shall interview the petitioners and all persons from whom consent is required and whose addresses are known as soon as possible and in the case of residents of California within 45

working days, excluding legal holidays, after the filing of the adoption petition. In order to facilitate these interviews, at the same time the petition is filed, the petitioner shall file with the district office of the State Department of Social Services or the licensed county adoption agency responsible for the investigation of the adoption, a copy of the petition together with the names, addresses, and phone numbers of all parties to be interviewed, if known."

(34) "Civil Code Section 226.6:

- (a) In those cases in which neither the State Department of Social Services nor an agency licensed by the State Department of Social Services is a party to or joins in the petition for adoption it shall be the duty of the State Department of Social Services or the licensed county adoption agency, or, in the case of an intercountry adoption, the private adoption agency licensed to provide intercountry adoption services, to investigate the proposed adoption and to submit to the court a full report of the facts disclosed by its inquiry with a recommendation regarding the granting of the petition within 190 days after the filing of the petition.... The court may allow such additional time for the filing of the reports as in its discretion it may see fit, after at least five days' notice to the petitioner or petitioners and opportunity for the petitioner or petitioners to be heard with respect to the request for additional time.
- (b) In those cases in which the State Department of Social Services or an agency licensed by the State Department of Social Services is a party to or joins in the petition for adoption, it shall be the duty of the State Department of Social Services

or the agency, whichever is a party to or joins in the petition, to submit a full report of the facts of the case to the court. The State Department of Social Services may also submit a report in those cases in which an agency licensed by the department to place children in homes for adoption is a party or joins in the petition for adoption."

(5) Procedures for filing the court report when serious questions arise regarding the suitability of the petitioners, the care of the child, or the availability of consent are set forth at Section 35123 (a)(2)(A) through (D).

(46) (Continued)

Authority Cited: Sections 10553, 10554, Welfare and Institutions Code.

Reference: Section 224g, 226.2, 226.5 and 226.6, Civil Code.

Amend Section 35095(a)(6) to read:

35095 GENERAL PREREQUISITES TO CONSENT

35095

(a) (6) Determine that the birth parent voluntarily chose the ~~plan~~ to place the child with the petitioners for the purpose of adoption based upon the definition of "place for adoption" and specific personal knowledge as defined in Civil Code Section 224g.

(A) The Agency representative shall document in the court report whether the birth parent voluntarily selected the petitioners and placed the child pursuant to Civil Code Section 224g.

HANDBOOK

(a)(6)(A) 1. Reserved

1. Civil Code Section 224g in relevant part states:

"... 'place for adoption' ... means the selection of a prospective adoptive parent or parents for a minor child by the parent or parents. The selection shall be personally made by the parent or parents of the child and may not be delegated to an agent. The act of selection by the parent or parents shall be based upon his, her, or their personal knowledge of the prospective adoptive parent or parents. "Personal knowledge" includes, but is not limited to, substantially correct knowledge of all of the following regarding the prospective adoptive parents: their full legal name; age; religion; race or ethnicity; employment; whether other persons, whether children and adults, reside in their home; any health conditions curtailing their normal daily activities or reducing their normal life expectancy; and their general area of residence, or upon request, their address."

(B) If the agency representative determines that the birth parent has not demonstrated substantially correct knowledge of all eight elements of

personal knowledge regarding the petitioners, a consent to the adoption cannot be taken since an independent adoptive placement as defined in law has not occurred.

(C) The agency representative shall advise the birth parent when the placement does not satisfy the statutory definition of an "adoptive placement".

(D) The agency shall immediately file a preliminary court report if the adoptive placement is not made in accordance with Civil Code Section 224p or Civil Code Section 224g.

HANDBOOK

(a) (6) (D) 1 Reserved

1. Civil Code Section 224p reads in relevant part:

"(a) Any person who, or organization that, without holding a valid and unrevoked license or permit to place children for adoption issued by the State Department of Social Services, advertises in any periodical or newspaper, by radio, or other public medium, that he, she, or it will place children for adoption, or accept, supply, provide or obtain children for adoption, or that causes any advertisement to be published in or by any public medium soliciting, requesting, or asking for any child or children for adoption is guilty of a misdemeanor."

"(b) Any person other than a parent who, or any organization, association, or corporation that, without holding a valid and unrevoked license or permit to place children for adoption issued by the State Department of Social Services, places any child for adoption is guilty of a misdemeanor."

Authority Cited: Sections 10553, 10554, Welfare and Institutions Code.

Reference: Sections 224p, 224q, 226.1, 226.2, 226.5 and 226.6, Civil Code.

Amend Section 35123(a) to read:

35123 CONTENT OF COURT REPORT AND REQUIREMENT FOR FILING 35123

(a) (1) (Continued)

(2) The agency shall file its court report immediately when there is a serious question regarding:

(A) The suitability of the petitioners.

(B) The care which the child is receiving.

(C) The availability of the consent to adoption.

HANDBOOK

(a)(2)(D) (Reserved)

(D) Civil Code Section 226.6 reads in relevant part as follows:

Civil Code Section 226.6: "In those cases in which the investigation establishes that there is a serious question concerning the suitability of the petitioners or the care provided the child or the availability of the consent to adoption the report shall be filed immediately."

(3) The agency representative shall immediately file a preliminary court report when there is a serious question whether the placement of the child for purposes of adoption was made in accordance with provisions of Civil Code Section 224g.

HANDBOOK

(a)(3)(A) (Reserved)

(A) Civil Code Section 224g: "As used in this chapter, 'place for adoption', in the case of an adoption to which neither the State Department of Social Services nor a licensed adoption agency is a party, means the selection of a prospective adoptive parent or parents for a minor child by the parent or parents. The selection shall be

personally made by the parent or parents of the
child and may not be delegated to an agent."

Authority Cited: Sections 10553, 10554, Welfare and Institutions
Code.

Reference: Sections 224g and 226.6, Civil Code.

OFFICE OF ADMINISTRATIVE LAW
CERTIFICATION
OF
APPROVAL

FILED

In this office of the Secretary of State
of the State of California

MAR 07 1989

At 9:34 o'clock P.M.

MARCH FONG EU, Secretary of State

By *Mulla*
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking
file identified below were reviewed and approved by the Director of the
Office of Administrative Law in the city of Sacramento, state of
California.

Submitting Agency: Department of Social Services

DAL File No: 89-0207-01

Linda Stockdale Brewer
LINDA STOCKDALE BREWER
DIRECTOR

3-7-89
Date

FACE SHEET

(See Instructions on Reverse)

RDB #0188-05

OAL File No. 88-1006-02

1989 FEB 24 AM 10:47

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING
MAR 24 1989

Office of Administrative Law

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

DEPARTMENT OF SOCIAL SERVICES

RESUBMITTAL

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 2/17/89

FILED

In this office of the Secretary of State
of the State of California

MAR 24 1989

At 4:30 o'clock P.M.

MARCH FONG EU, Secretary of State

By [Signature]

Deputy Secretary of State

For use by Secretary of State only

For use of Office of Adm Law

1. AGENCY CONTACT PERSON FOR THIS FILING
(See instructions)

TITLE

TELEPHONE

Rosalie Clark, Chief, Regulations Development Bureau

445-0313

2. Type of filing, (check one) ☒ 30-day Review ☐ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
- ☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
- ☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

Title 22

SECTIONS ADOPTED:

SECTIONS AMENDED:

80001 and 80061

SECTIONS REPEALED:

b. The following sections listed in 3a contain modifications to the text originally made available to the public: 80001

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

- ☐ prior to the emergency adoption
- ☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

- ☐ No ☒ Yes, if yes, give date(s) of prior submittal(s) to OAL: October 6, 1988

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

- ☒ No ☐ Yes, if yes, give date statement was submitted to OAL

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

- ☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
- ☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
- ☐ Other _____ (SPECIFY AGENCY)

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

April 29, 1988

b. DATE OF FINAL AGENCY ACTION

2/17/89

c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT.
CODE SEC. 11346.8(c))

1/6/89 to 1/23/89

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

- a. ☒ Effective 30th day after filing with the Secretary of State.
- b. ☐ Effective upon filing with the Secretary of State.
- c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
- d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
- e. ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

FINAL STATEMENT OF REASONS

- a) Description of the Public Problem, Administrative Requirement, or Other Condition or Circumstance the Regulations are Intended to Address

Health and Safety Code Section 1538.5(b) requires that licensees send copies of substantiated complaints to the parents, legal guardians, conservators, client rights advocates, or placement agencies. Assembly Bill (AB) 2585, Chapter 1454, Statutes of 1982 mandated this requirement. The proposed regulations in Title 22, Division 6, Chapter 1 Section 80061 (Reporting Requirements), are amended to assure compliance.

- b) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Section 80001(a)(49)

Specific Purpose:

This regulation is intended to provide licensees with a definition of "substantiated complaint" for the purpose of compliance with Health and Safety Code Section 1538.5 and Title 22, Division 6, General Licensing Requirements (GLR) regulation Section 80061(g).

Factual Basis:

Health and Safety Code Section 1538.5 and General Licensing Requirements regulation Section 80061(g) both reference the need for notification to authorized representatives as a result of a substantiated complaint. Public testimony received on the initial regulation cited a need for an operational definition of a substantiated complaint. This definition is therefore being provided in response to public testimony.

Section 80061(g)

Specific Purpose:

The specific purpose of this subsection is to place in regulation the requirement that facility licensees send copies of substantiated complaints to certain parties.

Factual Basis:

Licensees are required to send copies of substantiated complaints to parents, legal guardians, conservators, and others, by Health and Safety Code Section 1538.5(b).

c) Identification of Documents Upon Which Department Is Relying

Assembly Bill 2585, Chapter 1454, Statutes of 1982; Health and Safety Code Section 1538.5; Title 22, Division 6, Section 80055, Administrative Review; and Licensing Report (LIC 809).

d) Testimony and Response

The Notifying CCL Clients' Representative Regarding Complaints regulations were considered at public hearing on June 15, 1988, Item #1. One item of oral testimony was presented by the representative of the California Association of Residential Care Homes (CARCH). Written testimony was received from the representative of the California Department of Developmental Services (CDDS) on May 27, 1988.

Section 80061

Comment:

CDDS suggested that a definition of "substantiated complaint" be added to the regulations which states: "Substantiated complaint means those complaints made about a facility that have been investigated by the licensing agency and found to be a violation of pertinent regulations." CARCH concurred and emphasized the need for a definition, and for providing due process to the licensee before requiring the licensee to notify the responsible parties.

Response:

Definitions are placed in regulation when the terms and/or operating definition are unique to the Licensing program. In response to testimony, a definition of "substantiated complaint" is being added to Definition Section 80001(a)(49). Also, regarding due process, Section 80055 of the General Licensing Requirements provides for due process in those cases where a facility has been cited for a violation(s) of the licensing regulations. A licensee or his/her representative has the right to request a review of a notice of deficiency within ten working days of receipt of such notice. A review is conducted at a level higher than the evaluator who issued the notice of deficiency. If the reviewer determines that the notice of deficiency was not issued in accordance with applicable regulations, or that other circumstances existed, he/she has the authority to amend or dismiss such notice of deficiency.

Comment:

CARCH stated that the Department should evaluate fiscal impact to the facility, which should be completed before implementation.

Response:

This regulation, unlike a regulation which interprets statute, is a direct adoption of Health and Safety Code Section 1538.5. Subsection (b) specifically states that for those cases where the facility is required to transmit copies of a substantiated complaint, such copies will be sent "at the expense of the facility."

Comment:

CARCH stated that the proposed regulation differs from the statute in that the proposed regulation states that the licensee is responsible to send out a letter after a substantiated complaint, whereas Section 1538.5(a) states that the Department may transmit a copy of the substantiated complaint.

Response:

Health and Safety Code Section 1538.5 contains more than one directive. Subsection 1538.5(a) does state that the Department may send out notices to designated individuals. The notices sent, however, are limited to substantiated complaints relating to resident abuse and neglect, food, sanitation, incidental medical care, and residential supervision. There are two situations under which the Department shall require the facility operator to send the notice:

1. In the case of any substantiated complaint relating to resident physical or sexual abuse of recipient.
2. Whenever a facility has received three or more substantiated complaints relating to the same violation during the term of the current license.

Comment:

CARCH stated that a facility licensee is required to provide notification after a substantiated complaint of physical or sexual abuse or some serious deficiency of more than three times. It is the estimation of CARCH that the law then prevails and states that a facility must notify the appropriate parties. The inconsistencies between the proposed regulations and the law should be corrected.

Response:

The proposed regulation requires compliance with Health and Safety Code Section 1538.5. Then Health and Safety Code Section 1538.5 is set out in handbook. The statute itself lists the situations in which the facility is required to send notification of substantiated complaints. The Department has determined that the regulations are consistent with the statute.

Comment:

CARCH stated that the proposed regulations fail to include Section 80061(e), which states that the Department shall provide the names and addresses of the State Ombudsman in the Department of Aging, and where applicable, the local ombudsman to each residential care facility for the elderly. Further, that the Department shall notify the residential community care facility of its obligation when required to comply with the provision in this section.

Response:

Subsection (b) of the Health and Safety Code Section 1538.5 does contain the language "the state department shall require". Thus, language is contained in the proposed regulation/handbook stating that the Department shall notify the facility of its obligation.

Subsection (e) regarding the obligation of the Department to provide the names and addresses of state ombudsman was omitted from the regulation as the Licensing regulations are written to govern the licensee/provider of the facility. The Department does not regulate Licensing staff through the use of the California Code of Regulations (CCR), Title 22, Division 6, regulatory process. Thus no changes have been made to the regulations in response to this testimony.

e) Local Mandate Statement

This regulation would impose a State mandate on local law enforcement agencies in that violation of the regulation would be a misdemeanor under existing law. There are, however, no State mandated costs which require State reimbursement under Government Code Section 17500.

f) Statement of Potential Cost Impact on Private Persons or Businesses and of Alternatives Considered

The Department of Social Services finds that the adoption of these regulations would have no impact on local assistance. Some impact would be felt by small businesses, private agencies directly affected. These costs would be minor.

SDSS finds that no alternative considered by the department would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected persons.

g) Small Business Impact Statement

The Department of Social Services finds that the adoption of these regulations would have some impact on small businesses. This impact would be minor.

h) 15-Day Renotice Statement

A 15-day renotice and the complete text of any changes made to the regulations following the public hearing were mailed to all interested parties who submitted written or oral testimony during the public comment period, and to persons who requested notification of such changes. The text was available in compliance with Government Code Section 11346.8(c) and provided a 15-day comment period for public comment on the proposed changes. The 15-day public comment period ended at 5:00 p.m., January 23, 1989. Testimony was received from the California Association of Residential Care Homes (CARCH) and the California Department of Developmental Services (CDDS).

CARCH suggested the following definition: "A substantiated complaint means a complaint which has been investigated by the licensing agency and documented evidence has been proven to be a violation of the regulations, and such written evidence shall be on file in such department."

Response:

The definition of "substantiated complaint" is not being amended based on public testimony. The definition proposed by the public includes in part a requirement that a complaint must be "proven" in order to be considered substantiated. To "prove" that an incident/accident happened could be interpreted to mean that it has been shown in a court of law that such an event happened. For purposes of verifying if a violation of licensing regulations has occurred the preponderance of evidence is used; that is, the weight of evidence as to whether the matter happened.

CDDS commented on Section 80061(g): "This section requires that a copy of the substantiated complaint be sent to "parents, legal guardians, conservators, clients rights advocates, or placement agencies as designated in each client's placement agreement. This language appears to be consistent with the HSC 1538.5. It is recommended that a copy also be provided to the client, particularly in cases where there is no parent, guardian, conservator or advocate. Adding this provision would not appear to be inconsistent with the intent of the statute."

Response:

Additional regulations are not being proposed. Residential facilities include Small Family Homes and Group Homes for children, Adult Residential Facilities for those over 18 years of age and Residential Care Facilities for the Elderly. Children and adults in need of care and supervision are placed in a residential facility either by a parent (private placement) or by a placement agency, guardian and/or conservator. These individuals receive a copy of substantiated complaints. The client group having the largest number of private placements are the elderly. In these cases, however, the statute is clear that the notification be given to the state ombudsman in the Department of Aging and the local ombudsman, if such exists. Because of their need for care and supervision, it is inappropriate that the client receive a copy of substantiated complaints in addition to the individuals provided for in statute. Requiring that copies of substantiated complaints be sent to individuals other than those specifically cited in Health and Safety Code Section 15385, would require additional regulations as the purpose of proposal Section 80061(g) is solely to apprise licensees of the reporting requirements that are currently in law.

CDDS commented further on Section 80061(g):

"The incorporated narrative to be included in the licensee "handbook" references applicability of the regulation only to residential providers. It is not entirely clear whether this limitation is mandated by statute. Therefore, consideration should be given to whether the notice process should be applicable to licensed day programs."

Response:

The regulation is only applicable to residential facilities. The "handbook" reference is a direct quote from Health and Safety Code Section 1538.5 which specifically references "any residential community care facilities except licensed foster family homes...."

No changes have been made to the regulations as a result of the 15-day renote.

UPDATED INFORMATIVE DIGEST

Assembly Bill (AB) 2585, Chapter 1454, Statutes of 1982 amends Health and Safety Code Section 1538.5. The amendment requires that licensees (except in the case of residential care facilities for the elderly) send copies of substantiated complaints to parents, legal guardians, conservators, client rights advocates, or placement agencies. The proposed regulations amend Manual of Policy and Procedures (MPP) Section 80061 (Reporting requirements) to implement this requirement. Post-hearing changes made to the regulations include the addition of "Substantiated Complaint" in the Definition Section.

Amend Section 80001 to read:

80001 DEFINITIONS (Continued)

80001

(a) (Continued)

(49) "Substantiated Complaint" means a complaint which has been investigated by the licensing agency, and as a result, a violation of regulations has been found.

(4950) "Unlicensed Community Care Facility" (Continued)

(5051) "Urgent Need" (Continued)

(5152) "Waiver" (Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference:

Sections 1501, 1502, 1503, 1503.5, 1505, 1507, 1508, 1509, 1511, 1520, 1522, 1524, 1525, 1525.5, 1526, 1527, 1529, 1530, 1530.5, 1533, 1534, 1536.1, 1537, 1538.5, 1550, 1551, and 11834.11, Health and Safety Code; and Section 11006.9, Welfare and Institutions Code.

1531

Amend Section 80061 to read:

80061 REPORTING REQUIREMENTS (continued)

80061

(g) Licensees shall send copies of all substantiated complaints to parents, legal guardians, conservators, client rights advocates or placement agencies, as designated in each client's placement agreement, when required by the licensing agency in accordance with Health and Safety Code Section 1538.5.

A. Health and Safety Code Section 1538.5 requires in part:

- (a) Not less than 30 days prior to the expiration date of any residential community care facility license, except licensed foster family homes, the state department may, transmit a copy to the parents, legal guardians, conservators, client's rights advocate, or placement agency, as designated in each resident's placement agreement, of all notices sent to the facility by the state department during the term of the current license as a result of a substantiated complaint regarding a violation of any of the provisions of this chapter relating to resident abuse and neglect, food, sanitation, incidental medical care, and residential supervision. In the case of residential care facilities for the elderly, such notification shall only be given to the state ombudsman in the Department of Aging as well as the local ombudsman, if such exists. During that one-year period the copy of the notices transmitted and the proof of the transmittal shall be open for public inspection.
- (b) Except in the case of residential care facilities for the elderly where such notifications shall be given to the state ombudsman in the Department of Aging, as well as the local ombudsman if such exists, the state department shall require that the facility operator, at the expense of the facility, transmit a copy of all substantiated complaints, by certified mail, to those persons described pursuant to subdivision (a) in the following cases:
- (1) In the case of any substantiated complaint relating to resident physical or sexual abuse. The facility shall have three days, from the date the

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facility receives the citation from the state department to comply.

(2) In any case in which a facility has received three or more substantiated complaints relating to the same violation during the term of the current license.

(c) Each residential facility shall retain a copy of the notices transmitted pursuant to subdivision (b) and proof of their transmittal by certified mail for a period of one year after their transmittal.

(d) If any residential facility to which this section applies fails to comply with the provisions of this section, as determined by the state department, the state department shall initiate civil penalty action against the facility in accordance with the provisions of Article 3 (commencing with Section 1530) and the rules and regulations.

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Authority Cited: Sections 1530 and 1538.5, Health and Safety Code.

Reference: Sections 1501, and 1531 and 1538.5, Health and Safety Code.

OFFICE OF ADMINISTRATIVE LAW CERTIFICATION OF APPROVAL

FILED

In this office of the Secretary of State
of the State of California

MAR 24 1989

At 4:30 o'clock P. M.

MARCH FONG EU, Secretary of State

By [Signature]
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: Department of Social Services

OAL File No: 89-0224-01 R

[Signature]
for LINDA STOCKDALE BREWER
DIRECTOR

3/24/89

Date

(See Instructions on Reverse)

FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

State Department of Social Services

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 2-24-89

FILED

In this office of the Secretary of State
of the State of California

MAR 29 1989

At 4:45 o'clock P.M.

MARCH FONG EU, Secretary of State

By [Signature]
Deputy Secretary of State

ENDORSED
APPROVED FOR FILING

MAR 29 1989

Office of Administrative Law

For use of Office of Adm Law

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions)
Rosalie Clark Chief, Regulations Development Bureau 445-0313
2. Type of filing, (check one) ☐ 30-day Review ☐ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
☒ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
3. a. Specify California Administrative Code title and sections as follows:
Title MPP
SECTIONS ADOPTED:
SECTIONS AMENDED:
40-206
SECTIONS REPEALED:
b. The following sections listed in 3a contain modifications to the text originally made available to the public:
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)
☐ prior to the emergency adoption
☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?
☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL:
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?
☐ No ☐ Yes, if yes, give date statement was submitted to OAL
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)
☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
☐ Other (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER
Not Applicable
b. DATE OF FINAL AGENCY ACTION
February 24, 1989
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))
Not Applicable
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)
a. ☐ Effective 30th day after filing with the Secretary of State.
b. ☒ Effective upon filing with the Secretary of State.
c. ☐ Effective on _____ as required or allowed by the following statute(s):
d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
e. ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

DELEGATED AUTHORITY ORDER

I hereby authorize and designate the following individuals as the agency contact persons who have authority, during the Office of Administrative Law review period, to make decisions and answer questions regarding regulations adopted by the Department of Social Services.

Rosalie P. Clark, Chief
Regulations Development Bureau

James Rhoads, Assistant Chief
Regulations Development Bureau

This designation shall be effective on 8-26-88, 1988 and shall remain in effect until superseded or cancelled.



Linda S. McMahon
Director

8-26-88
Date

Renumber and retitle Section 40-206 to read:

Chapter 40-200 QUALITY CONTROL COOPERATION REQUIREMENTS

~~40-206~~ CONTINUING ACTIVITIES — QUALITY CONTROL REVIEW 40-206

~~40-201~~ DEFINITIONS 40-201

•1 Quality Control Review — the state-mandated administrative system for documenting the extent of and reasons for errors in the determination of eligibility and payments.

•2 Annual Review Period — for quality control purposes the annual review period is October 1 through September 30.

~~40-203~~ ACTIONS WHICH RESULT IN NONCOOPERATION 40-203

•1 A refusal to cooperate in a quality control review without good cause by an individual in the assistance unit or a non-needy caretaker relative shall result in discontinuance for the entire assistance unit. [Handbook: See Section 40-105.1 for recipient responsibility to cooperate.]

•21 The individual or the non-needy caretaker relative shall be given verbal or written notice of the consequence of refusal at the same time the demand to cooperate is made.

•22 Refusal to cooperate shall be found, except as provided in Section 40-206.59, when the individual:

•221 Directly expresses to the quality control reviewer a refusal to cooperate either by a letter or a telephone call, or during a face-to-face interview; or

•222 Fails to respond within 30 calendar days after the date he/she has signed the receipt for a certified letter requesting his/her cooperation; or

•223 Fails to attend a scheduled interview and then does not contact the quality control reviewer within ten calendar days of that failed interview to reschedule; or

- 224 Fails to attend two scheduled interviews; or
- 225 Fails to sign an authorization for release of information form when requested to do so in person by a quality control reviewer; or
- 226 Fails to return a signed authorization for release of information form within ten calendar days after the date he/she has signed the receipt for a certified letter requesting return of the signed release form.

•340-205 DISCONTINUANCE FOR REFUSAL TO COOPERATE

40-205

- 31 Adequate and timely notice shall be given that aid to the entire assistance unit shall be discontinued when the county makes a determination based on documentation that a recipient failed or refused to cooperate without good cause in a quality control review. [Handbook: See Sections 22-021, Adequate Notice, and 22-022, Timely Notice - Aid Pending Hearing.]
- 311 Ineligibility for AFDC shall be effective the first of the month after the month in which the noncooperation with quality control occurs.
- 312 The CWD shall rescind the discontinuance if the recipient cooperates in the quality control review before the effective date of the discontinuance.

•440-207 RESTORATION OR REAPPLICATION FOLLOWING DISCONTINUANCE

40-207

- 41 Once discontinued for refusal to cooperate, the assistance unit may request restoration or may reapply, but shall not be determined eligible until:
 - 411 The assistance unit subsequently cooperates and has met all eligibility conditions [Handbook: (See Section 40-107.3, Eligibility Determination.)]; or
 - 412 The assistance unit reapplies for aid at least 95 calendar days after the end of the annual review period in which the refusal to cooperate occurred, and has met all eligibility conditions. [Handbook: See Section 40-107.3, Eligibility Determination.]

~~540-209~~ CAUSE DETERMINATION FOR NONCOOPERATION

40-209

- 51 The recipient may have good cause for failure or refusal to cooperate.
- 52 Good cause, as determined by the county welfare department, includes but is not limited to the following:
 - 521 Illness or incapacity.
 - 522 Court-required appearances or temporary incarceration.
 - 523 Family crisis or other change in circumstances.
 - 524 Other substantial and compelling reasons.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 15200.4, Welfare and Institutions Code; 45 CFR 233.10(a)(1)(ii)(B).

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

In this office of the Secretary of State
of the State of California

MAR 29 1989

At 4:45 o'clock P. M.

MARCH FONG EU, Secretary of State

By Linda Brewer
Deputy Secretary of State

This certifies that the regulations submitted in the
rulemaking file identified below were reviewed and approved
by the Director of the Office of Administrative Law in the
city of Sacramento, state of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 89-0227-02

"Nonsubstantive"


LINDA BREWER
DIRECTOR

03/29/89

FACE SHEET

(See Instructions on Reverse)

RDB #0487-14

FOR FILING ADMINISTRATIVE REGULATIONS WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

FILED

In this office of the Secretary of State
of the State of California

1989 MAR -2 PM 4:00

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING

MAR 31 1989

Office of Administrative Law

Department of Social Services

REGULAR

AGENCY OFFICER WITH RULEMAKING AUTHORITY

MAR 31 1989

At 4:15 o'clock P. M.

MARCH FONG EU, Secretary of State

By Beth Bets
Deputy Secretary of State

For use of Office of Adm Law

Date: 2/17/89

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions)
TITLE Rosalie Clark, Chief, Regulations Development Bureau
TELEPHONE 445-0313
2. Type of filing, (check one) ☒ 30-day Review ☐ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
3. a. Specify California Administrative Code title and sections as follows:
Title MPP
SECTIONS ADOPTED:
SECTIONS AMENDED: 11-400, 11-403, 45-101, 45-202, 45-203, and 45-302
SECTIONS REPEALED:
b. The following sections listed in 3a contain modifications to the text originally made available to the public: 11-400.1(j) and 45-101.1(s)
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)
☐ prior to the emergency adoption
☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?
☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL: _____
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?
☒ No ☐ Yes, if yes, give date statement was submitted to OAL _____
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)
☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
☐ Other _____ (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER
September 30, 1988
b. DATE OF FINAL AGENCY ACTION
2/17/89
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))
1/15/89 - 1/30/89
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)
a. ☒ Effective 30th day after filing with the Secretary of State.
b. ☐ Effective upon filing with the Secretary of State.
c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
e. ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

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 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
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- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
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- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
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- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

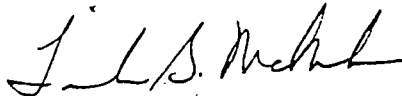
DELEGATED AUTHORITY ORDER

I hereby authorize and designate the following individuals as the agency contact persons who have authority, during the Office of Administrative Law review period, to make decisions and answer questions regarding regulations adopted by the Department of Social Services.

Rosalie P. Clark, Chief
Regulations Development Bureau

James Rhoads, Assistant Chief
Regulations Development Bureau

This designation shall be effective on 8-26-88, 1988 and shall remain in effect until superseded or cancelled.



Linda S. McMahon
Director

8-26-88
Date

Amend MPP Section 11-400 to read:

11-400 AFDC-FOSTER CARE RATES

11-400

- .1 Definitions. The following definitions shall apply wherever the terms are used throughout Chapter 11-400: (Continued)

- (d) Daily Supervision - all functions of the day-to-day care of the child, including assistance as needed with activities of daily living, personal care, planned activities, food service, incidental medical and dental care as specified in California Administrative Code of Regulations, Title 22, Section 80409(a), and the assumption of responsibility for the safety and well-being of the child.
- (e) (Continued)
- (f) "Exclusive use Certified Family Home" means a family residence certified by a licensed homefinding foster family agency and issued a certificate of approval by that agency as meeting licensing standards, and used exclusively only by that homefinding foster family agency for placements.
- (g) (Continued)
- (h) (Continued)
- (i) (Continued)
- (j) Homefinding Foster Family Agency shall be defined in accordance with Section 45-101.1.

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The term homefinding foster family agency is defined in Section 45-101.1 as follows: Homefinding Agency - any individual or organization licensed by the Department and which is engaged in finding exclusive-use homes for placement of persons of any age for temporary or permanent care or adoption. Foster family agency means any individual or organization engaged in the recruiting, certifying, and training of, and providing professional support to, foster parents, or in finding homes or other places for placement of children for temporary or permanent care who require that level of care as an alternative to a group home. Private foster family agencies shall be organized and operated on a nonprofit basis.

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(k) (Continued)

(l) (Continued)

(m) New homefinding foster family agency program - is one which:

(A) Serves an entirely different population at an entirely different level of service than that currently served by the homefinding foster family agency's existing program(s); and

(B) Is either based in different exclusive use certified family home(s) than the current program(s) operated by the homefinding foster family agency, or the current program(s) operated by the homefinding foster family agency is replaced by an entirely new program.

(n) New homefinding foster family agency provider - is one who:

(A) Has not operated a homefinding foster family agency or group home program for AFDC-FC funded children in the fiscal year preceding that for which the rate is being set; or

(B) Has operated a homefinding foster family agency in the fiscal year preceding that for which the rate is being set but did not accept AFDC-FC funded children during that fiscal year; and
(Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code

Reference: Sections 11400(c) and (f) and 11463(b), Welfare and Institutions Code

Amend MPP Section 11-403 to read:

11-403 HOMEFINDINGS FOSTER FAMILY
AGENCY RATES

11-403

(a) Rate Determination Process

(1) The Department shall set rates for each homefinding foster family agency utilized by counties which place AFDC-FC children.

(A) The rate for a homefinding foster family agency program which provides treatment services for children who have treatment needs shall be set in accordance with Sections 11-403(a)(2) and 11-403(b)-(k).

1. As used in (A) above, "treatment needs" means that the placement agency, as defined in Section 11-400.1, has determined that the child has services needs which:

(i) (Continued)

(ii) Would require group home placement if the child was not referred to a homefinding foster family agency; and

(iii) Can be met by the program offered by the homefinding foster family agency to which the child is being referred.

2. The payment to foster parents of a foster family agency shall be at least as great as the Department's schedule of rates for foster family homes plus the amount added by the Department in recognition of the specialized nature of the children placed in such homes.

(B) The rate for a homefinding foster family agency program which does not provide treatment services shall be the basic rate as specified in Section 11-401.14.

1. A specialized care rate as defined in Section 11-400.1 may be paid for a child placed in an exclusive use certified family home of a homefinding foster family agency

as described in (B) above when the following conditions are met: (Continued)

(2) One rate shall be set for each program for which a rate request is received from a given homefinding foster family agency.

(A) Each homefinding foster family agency shall identify and describe each of the programs it offers.

(B) (Continued)

(C) Where a homefinding foster family agency submits a rate request for more than one program and the Department determines that no significant difference exists between the programs, a separate rate or set of age-based rates shall not be set.

(b) Rate Ceilings

(1) Welfare and Institutions Code Section 11463 provides that no county shall be reimbursed for any percentage increases in payments, made on behalf of AFDC-FC funded children who are placed with homefinding foster family agencies, which exceed the percentage cost-of-living increase provided in any fiscal year beginning on or after July 1, 1982, to persons receiving Aid to Families with Dependent Children (AFDC). (Continued)

(c) Allowable Costs

(1) (Continued)

(A) Allowable costs shall include:

1. (Continued)

2. Reasonable social work activities provided by the homefinding foster family agency as defined in Section 11-400.1.

3. The reasonable cost of activities of recruiting and training exclusive use certified family home foster parents and administration of the provision of items or services described in 1. and 2. above.

(d) Rate Calculation

(1) (Continued)

H	(D)	EXAMPLE: The total rate for a 12-year-old child for <u>FY 88-89</u> would be computed as follows:	H
A			A
N			N
D			D
B			B
O			O
O			O
K			K

	Basic rate	\$360378
	Increment for child	175
	Social work services	250
		=====
		\$785803
	Take two-thirds (.666) times the subtotal:	
	$.666 \times 785803 = 523535$	
	The recruitment, training, and administration amount would be \$52335; the total rate would be \$1,30838 (\$785803 + \$52335).	

(e) Rate Adjustments for Existing ~~Homefinding~~ Foster Family Agency Rates (Continued)

(f) Rate Request Process

(1) Rate Request Submission

(A) Each ~~homefinding~~ foster family agency shall submit to the Department a complete rate request for each program being provided in order to receive a rate for that program.

(B) (Continued)

1. If all the required forms necessary to the actual setting of rates have been submitted, but additional documentation is needed, the rate request shall be considered complete if the ~~homefinding~~ foster family agency submits the remaining documentation within 30 days after notification by the Department.

(C) (Continued)

1. A late rate request shall not be accepted from an existing homefinding foster family agency after November 1, 1985.
2. Homefinding Foster family agencies which do not submit a rate request by November 1, 1985 shall not have a rate set for the new fiscal year and shall not receive AFDC-FC funds after February 1, 1986.

(D) (Continued)

1. A late rate request shall not be accepted from an existing homefinding foster family agency after July 1.
2. Homefinding Foster family agencies which do not submit a rate request by July 1 shall not have a rate set for the new fiscal year and shall not receive AFDC-FC funds after September 1. (Continued)

(2) Effective Date of Rates (Continued)

- (B) Effective dates of rates for homefinding foster family agencies which submit a late rate request without good cause shall be established as follows: (Continued)

(g) Deviations from the Rate Setting Process

(1) New Homefinding Foster Family Agency Providers

- (A) A new homefinding foster family agency provider shall be one who:
 1. Has not operated a homefinding foster family agency or group home program for AFDC-FC funded children in the fiscal year preceding that for which the rate is being set; or
 2. Has operated a homefinding foster family agency in the fiscal year preceding that for which the rate is being set but did not accept AFDC-FC funded children during that fiscal year; and (Continued)
- (B) The initial rate for new homefinding foster family agency providers shall consist of the sum of the

following amounts per month per child:
(Continued)

2. An amount equal to the average for actual costs incurred for social work services as determined by the Department for homefinding foster family agencies which received AFDC-FC funds for the previous fiscal year. (Continued)

(C) In order to establish a permanent rate, new homefinding foster family agency providers shall submit to the Department a complete rate request based on actual costs for social work services for one of the following cost periods:

1. If the date of the new homefinding foster family agency provider's first AFDC-FC eligible placement occurs between January 1 and June 30, the cost period shall be from the date of the first placement to December 31 of the same year. (Continued)
2. If the date of the new homefinding foster family agency provider's first AFDC-FC eligible placement occurs between July and December, the cost period shall be from the date of the first placement to December 31 of the following year. (Continued)

(2) New Homefinding Foster Family Agency Programs

(A) A new homefinding foster family agency program shall be one which:

1. Serves an entirely different population at an entirely different level of service than that currently served by the homefinding foster family agency's existing program(s); and
2. Is either based in different ~~exclusive use~~ certified family home(s) than the current program(s) operated by the homefinding foster family agency, or the current program(s) operated by the homefinding foster family agency is replaced by an entirely new program. (Continued)

- (C) Homefinding Foster family agencies requesting a new program rate shall obtain and submit to the Department verification from the host county that:
(Continued)

(h) Rate Review Process

- (1) The rate review process for homefinding foster family agencies shall be as specified in Section 11-402.6.

(i) State Audit Requirements

- (1) Audit requirements for homefinding foster family agencies shall be as specified in Section 11-402.7.

(j) Overpayments

- (1) Overpayment policies for homefinding foster family agencies shall be as specified in Section 11-402.8.

(k) Accounting Principles

- (1) Accounting principles for homefinding foster family agencies shall be as specified in Section 11-402.31.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code

Reference: Section 11463(b), Welfare and Institutions Code and Section 16 of Chapter 1120, Statutes of 1986

Amend MPP Section 45-101 to read:

45-101 DEFINITIONS

45-101

.1 (Continued)

(b) (Continued)

(2) A certified, license-pending home which is a family home not exempted from licensure by Health and Safety Code Section 1505 for which a license application is pending and has not been denied and in which the child has been placed by the social worker or probation officer under the authority of a court order or voluntary placement agreement, in accordance with Welfare and Institutions Code Sections 362(b), 362.5(c), 727(b) or 16507.5 and the social worker or probation officer has certified that the home meets licensing standards for family homes as defined in Title 22, Division 6 of the California Administrative Code of Regulations.

(c) (Continued)

(d) (Continued)

(e) Certified, License-Pending Home -- See definition of "Approved Home". "Certified, license-pending home" does not apply to ~~exclusive-use~~ certified family homes defined in (m 1) below.

(f) Community Care Licensing Agency means the department or county welfare department authorized by the department to license family homes and group homes in accordance with Title 22, Division 6, of the California Administrative Code of Regulations.

(g) (Continued)

(h) (Continued)

(i) (Continued)

(j) (Continued)

(k) (Continued)

(l) ~~Exclusive-Use~~ "Certified Family Home" means a family residence certified by a licensed homefinding foster family agency and issued a certificate of approval by that agency as meeting licensing standards, and used exclusively only by that homefinding foster family agency for placements.

(m) (Continued)

(n) (Continued)

(o) (Continued)

(p) (Continued)

(q) (Continued)

(r) (Continued)

(s) Homefinding Agency means any individual or organization licensed by the department and which is engaged in finding exclusive-use homes for placement of persons of any age for temporary or permanent care, or adoption.

"Foster Family Agency" means any individual or organization engaged in the recruiting, certifying, and training of, and providing professional support to, foster parents, or in finding homes or other places for placement of children for temporary or permanent care who require that level of care as an alternative to a group home. Private foster family agencies shall be organized and operated on a nonprofit basis.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code

Reference: Sections 11400(c) and (f) and 11463(b), Welfare and Institutions Code

Amend MPP Section 45-202 to read:

45-202 FEDERAL AFDC-FC PROGRAM (Continued)

45-202

•5 Eligible Facilities

•51 (Continued)

- 514 An ~~exclusive-use~~ certified family home certified as meeting licensing standards by a nonprofit ~~homefinding~~ foster family agency that is licensed by the department. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11400(c) and (f), Welfare and Institutions Code

Amend MPP Section 45-203 to read:

45-203 STATE AFDC-FC PROGRAM (Continued)

45-203

.4 Eligible Facilities

.41 (Continued)

.414 An ~~exclusive-use~~ certified family home certified as meeting licensing standards by a ~~homefinding~~ foster family agency that is licensed by the department. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code

Reference: Sections 11400(c) and (f), Welfare and Institutions Code

Amend MPP Section 45-302 to read:

45-302 PAYMENT (Continued)

45-302

.6 Rate of Payment

- .61 For provisions pertaining to rate setting for family homes, group homes, and homefinding foster family agencies and large family homes, see BPP Chapter 11-400.
- .62 For provisions pertaining to clothing allowance and funeral expense special needs for AFDC-FC, see BPP Section 11-405.
- .63 For AFDC-FG special need payment when child returns home from foster care, see FAS Section 44-267.

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OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION
OF
APPROVAL

FILED
In this office of the Secretary of State
of the State of California

MAR 31 1989
At 4:15 o'clock P. M.
MARCH EONG EU, Secretary of State
By [Signature]
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 89-0302-03

[Signature]
LINDA BREWER
DIRECTOR

03/31/89

FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

89-0324-01C

1989 MAR 24 11:12

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING

APR 07 1989

Office of Administrative Law

DEPARTMENT OF SOCIAL SERVICES

(AGENCY)

Lil S. Mohr

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 3-21-89

FILED

In this office of the Secretary of State
of the State of California

APR 07 1989

At 3:16 o'clock P.M.

MARCH FONG EU, Secretary of State

By *Mulla Euy*

Deputy Secretary of State

For use of Office of Adm Law

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions)	TITLE	TELEPHONE
Rosalie Clark, Chief	Regulations Development Bureau	445-0313

2. Type of filing, (check one) ☐ 30-day Review ☐ Emergency ☒ Certificate of Compliance (Complete Part 4 below)
- ☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
- ☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

Title MPP

SECTIONS ADOPTED:

69-213.7

SECTIONS AMENDED:

69-213.6

SECTIONS REPEALED:

- b. The following sections listed in 3a contain modifications to the text originally made available to the public: N/A

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

- ☐ prior to the emergency adoption
- ☒ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

- ☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL: _____

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

- ☒ No ☐ Yes, if yes, give date statement was submitted to OAL: _____

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

- | | |
|-----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Fair Political Practices Commission
(Include FPPC approval stamp) | <input type="checkbox"/> Building Standards Commission
(Attach approval) |
| <input type="checkbox"/> State Fire Marshall (Attach approval) | <input checked="" type="checkbox"/> Department of Finance (Attach properly signed Std. 399) |
| <input type="checkbox"/> Other _____
(SPECIFY AGENCY) | |

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER	b. DATE OF FINAL AGENCY ACTION	c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))
12/30/88	3/21/89	N/A

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

- a. ☐ Effective 30th day after filing with the Secretary of State.
- b. ☒ Effective upon filing with the Secretary of State.
- c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
- d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
- Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
- ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

Amend MPP Section 69-213 to read:

69-213 TERMINATION OF AID

69-213

Aid payments to refugees under the RDP and RCA programs shall be discontinued in accordance with AFDC regulations and under the following circumstances except that the number of hours worked shall not be a basis for termination:

- .1 A sponsor is meeting the full needs of the refugee or refugee family, in accordance with AFDC standards of assistance.
- .2 A refugee marries a United States citizen or other nonrefugee, including a time-expired refugee, who is able to meet the refugee's needs. In these circumstances, aid shall be discontinued for the refugee parent. Aid for the minor child(ren) in the assistance unit shall be continued unless the United States citizen or other nonrefugee stepparent is able to meet all needs of the child(ren) in accordance with AFDC standards of assistance.
- .3 A refugee becomes time-expired (per Section 69-206.21), becomes a naturalized United States citizen or otherwise loses refugee status.
- .4 A refugee fails to meet, without good cause, the registration, employment and educational/training requirements (see Section 69-208).
- .5 A refugee fails to cooperate in providing sponsor or VOLAG information for purposes of determining eligibility for RDP or RCA.
- .6 Before September 30, 1989, if 100 percent federal funding for cash assistance only ceases for the RDP or RCA program,
~~before September 30, 1989.~~
- .7 After September 30, 1989, if 100 percent federal funding for cash assistance or administrative costs ceases for the RCA or RDP program,
~~after September 30, 1989.~~
- .8 (Continued)
- .9 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and
Institutions Code; and Section 3 of Chapter
476, Statutes of 1988.

Reference: Chapter 476, Statutes of 1988.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED
In this office of the Secretary of State
of the State of California

APR 07 1989
At 3:16 o'clock P. M.
MARCH FONG EU, Secretary of State
By Mella Cruz
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 89-0324-01



LINDA BREWER
DIRECTOR

04/07/89

FACE SHEET

(See Instructions on Reverse)

89-0411-03E

RDB # 0489-10

FILED

In this office of the Secretary of State
of the State of California

APR 18 1989

At 4:10 o'clock P.M.

MARCH FONG EU, Secretary of State

Deputy Secretary of State

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

State Department of Social Services

EMERGENCY

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 4-11-89

For use of Office of Adm Law

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions)
Rosalie Clark, Chief, Regulations Development Bureau (916) 445-0313
2. Type of filing, (check one) ☐ 30-day Review ☒ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
3. a. Specify California Administrative Code title and sections as follows:
Title 22
SECTIONS ADOPTED: 87700, 87701, 87702, 87703, 87704, 87705, 87706, 87707, 87708, 87709, 87710, 87711,
SECTIONS AMENDED: 87101 87712, 87713, 87714, 87715, 87720, 87721, & 87722
SECTIONS REPEALED: None.
- b. The following sections listed in 3a contain modifications to the text originally made available to the public: _____
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)
☐ prior to the emergency adoption
☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?
☐ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL: _____
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?
☒ No ☐ Yes, if yes, give date statement was submitted to OAL: _____
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)
☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
☐ Other _____ (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER
Not applicable
b. DATE OF FINAL AGENCY ACTION
4-11-89
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))
Not Applicable
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)
a. ☐ Effective 30th day after filing with the Secretary of State.
b. ☒ Effective upon filing with the Secretary of State.
c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
e. ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

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- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
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 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
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 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
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- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

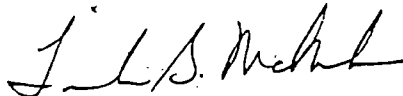
DELEGATED AUTHORITY ORDER

I hereby authorize and designate the following individuals as the agency contact persons who have authority, during the Office of Administrative Law review period, to make decisions and answer questions regarding regulations adopted by the Department of Social Services.

Rosalie P. Clark, Chief
Regulations Development Bureau

James Rhoads, Assistant Chief
Regulations Development Bureau

This designation shall be effective on 8-26-88, 1988 and shall remain in effect until superseded or cancelled.



Linda S. McMahon
Director

8-26-88
Date

TITLE 22 CALIFORNIA CODE OF REGULATIONS

Chapter 8 Residential Care Facilities for the Elderly (RCFE)

Article 8 Incidental Medical Services

Section

87700	Health & Safety Protection
87701	Prohibited Health Conditions
87702	Allowable Health Conditions
87702.1	General Requirements for Allowable Health Conditions
87703	Oxygen Administration
87704	Intermittent Positive Pressure Breathing Machine (IPPB)
87705	Colostomy/Ileostomy
87706	Enema and/or Suppository and Fecal Impaction Removal
87707	Indwelling Urinary Catheter/Catheter Procedure
87708	Managed Bowel and Bladder Incontinence
87709	Contractures
87710	Diabetes
87711	Injections
87712	Protective Supervision
87713	Healing Wounds
87714	Transfer Dependency
87715	PRN (pro re nata) Medication
87720	Incidental Medical Condition Determination Appeals
87721	Incidental Medical Related Services Exceptions
87722	Licensing Agency Review

Renumber Sections 87101(5) through (21) to 87101 (6) through (22), respectively; and renumber Sections 87101(22) through (46) to 87101(24) through (48), respectively; and adopt Sections 87101(5) and (23) to read:

87101 DEFINITIONS (Continued)

87101

(5) Appropriately Skilled Professional: Means an individual that has training and is licensed to perform the necessary medical procedures prescribed by a physician. This includes but is not limited to the following: Register Nurse, Licensed Vocational Nurse, Physical Therapist, Occupational Therapist and Respiratory Therapist.

(~~56~~) through (~~212~~) (Continued)

(23) Healing wounds include cuts and incisions that are being treated by an appropriate skilled professional with the affected area returning to its normal state. They may involve breaking or laceration of the skin and usually damage to the underlying tissues.

(~~224~~) through (~~408~~) (Continued)

Authority Cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.2, 1569.5, 1569.10, 1569.145, 1569.15, 1569.157, 1569.17, 1569.19, 1569.20, 1569.21, 1569.30, 1569.312, 1569.44, 1569.47 and 1569.82, Health and Safety Code.

Adopt Chapter 8 (Heading), Article 8 (Heading) and Section 87700 to read:

Chapter 8 Residential Care Facilities for the Elderly (RCFE)

Article 8 Incidental Medical Services

87700

HEALTH & SAFETY PROTECTION

87700

- (a) Acceptance by the licensee of residents with incidental medical needs shall be in accordance with the conditions specified in this article.
- (b) The provisions of this article shall be applicable and in conjunction with Articles 1 through 7 of this chapter.

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Section 1569.2(a),(e), and (j); 1569.30(b); and 1569.312; Health and Safety Code.

Adopt Section 87701 to read:

87701

PROHIBITED HEALTH CONDITIONS

87701

(a) In addition to Section 87582(c), the following persons shall not be received in a Residential Care Facility for the Elderly (RCFE) who require health services for or have a health condition including but not limited to those specified below:

- (1) Prescriptions or medications to be administered on an as needed or PRN (pro re nata) basis except as specified in Section 87715.
- (2) Inability to turn in bed without assistance or to transfer ~~from~~ to or from bed independently except as specified in Section 87714.
- (3) Catheter care except as specified in Section 87707.
- (4) Colostomy/ileostomy care except as specified in Section 87705.
- (5) Contractures except as specified in Section 87709.
- (6) Dermal Ulcers.
- (7) Diabetes except as specified in Section 87710.
- (8) Enemas, suppositories, and/or fecal impaction removal except as specified in Section 87706.
- (9) Gastrostomy care.
- (10) Incontinence of bowel and/or bladder except as specified in Section 87708.
- (11) Injections except as specified in Section 87711.
- (12) Intermittent Positive Pressure Breathing Machine use except as specified in Section 87704.
- (13) Administration of oxygen ^{except} as specified in Section 87703.
- (14) Naso-gastric tubes.
- (15) Protective supervision except as specified in Section 87712.
- (16) Staph infection or other serious infection.

- (17) Residents who depend on others to perform all activities of daily living for them as specified in Section 87584.
- (18) Tracheostomies.
- (19) Wound care except as specified in Section 87713.

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Sections 1569.2(a), (e), and (j); 1569.30(b); and 1569.312; Health and Safety Code.

Adopt Section 87702 to read:

87702 ALLOWABLE HEALTH CONDITIONS

87702

(a) A licensee shall be permitted to accept or retain in a Residential Care Facility for the Elderly persons who have a health condition or related health services needs including, but not limited to, those specific situations specified in Sections 87703 through 87715 of this chapter.

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Sections 1569.2(a), (e), and (j); 1569.30(b); and 1569.312; Health and Safety Code.

Adopt Section 87702.1 to read:

87702.1 GENERAL REQUIREMENTS FOR ALLOWABLE
HEALTH CONDITIONS

87702.1

- (a) The licensee shall complete and maintain a current, written record of care for each resident that includes, but is not limited to, the following:
 - (1) Documentation from the physician of the following:
 - (A) Stability of the medical condition
 - (B) Medical care needs which require intervention and need for supervision of medical care needs
 - (C) Method of intervention
 - (D) Resident's ability to perform the procedure.
 - (E) An appropriately skilled professional shall be identified who will perform the procedure if the resident needs assistance.
 - (2) The name, address and telephone number of vendors and appropriately skilled professionals providing care.
 - (3) Emergency contacts.
- (b) In addition to Section 87565(c), facility staff shall have knowledge and the ability to recognize and respond to problems and shall contact the physician, appropriately skilled professional, and/or vendor as necessary.
- (c) In addition to Sections 87587 and 87591, the licensee shall monitor the ability of the resident to provide self care for the allowable health condition and document any change in that ability.
- (d) In addition to Sections 87575(a) and 87590(d) the licensee shall ensure that the resident is cared for in accordance with the physician's orders and that the resident's medical needs are met.

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Sections 1569.2(a), (e), and (j); 1569.30(b); and 1569.312; Health and Safety Code.

- (a) The licensee shall be permitted to accept and retain a resident who requires the use of oxygen administration under the following circumstances:
- (1) If the resident is mentally and physically capable of operating the equipment, is able to determine his/her need for oxygen, and is able to administer it him/herself.
- OR
- (2) If intermittent administration of oxygen by an appropriately skilled professional has been approved by the Licensing Agency.
- (b) In addition to Section 87702.1, licensees who admit or retain residents who require the use of oxygen shall comply with the following:
- (1) Monitoring of the resident's ongoing ability to operate the equipment in accordance with the physician's orders.
 - (2) Ensuring that oxygen administration is provided by an appropriately skilled professional should the resident require assistance.
 - (3) Ensuring that the use of oxygen equipment complies with the following:
 - (A) A report is made in writing to the local fire jurisdiction.
 - (B) "No Smoking-Oxygen in Use" signs are posted in the appropriate areas.
 - (C) Smoking is prohibited where oxygen is in use.
 - (D) All electrical equipment is checked for defects which may cause sparks.
 - (E) Secure oxygen tanks in a stand or secure to the wall.
 - (F) Under no circumstances shall long plastic tether lines to the main source of oxygen be permitted.
 - (G) Oxygen from a portable source shall be used by residents when they are outside of their rooms.

- (H) Equipment is operable.
- (I) Equipment is removed from the facility when no longer in use by the resident.
- (4) Determining that room size can accommodate equipment in accordance with Section 87577.
- (5) Ensuring that facility staff have knowledge of, and ability in the operation of the oxygen equipment.

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Sections 1569.2(a), (e), and (j); 1569.30(b); and 1569.312; Health and Safety Code.

Adopt Section 87704 to read:

87704 INTERMITTENT POSITIVE PRESSURE BREATHING 87704
(IPPB) MACHINE

(a) The licensee shall be permitted to accept or retain a resident who requires the use of an IPPB machine under the following circumstances:

(1) If the resident is mentally and physically capable of operating his/her own equipment and is able to determine his/her own need.

OR

(2) If IPPB administration by an appropriately skilled professional has been approved by the Licensing Agency.

(b) In addition to Section 87702.1, licensees who admit or retain residents who require the use of IPPB machines shall comply with the following:

(1) Monitoring of the resident's ongoing ability to operate the equipment in accordance with the physician's orders.

(2) Ensuring the IPPB procedure is administered by an appropriately skilled professional should the resident require assistance.

(3) Assuring that the use of the IPPB equipment complies with the following:

(A) Equipment is operable.

(B) Equipment is removed from the facility when no longer in use by the resident.

(4) Determining that room size can accommodate equipment in accordance with Section 87577.

(5) Ensuring that facility staff have knowledge of and ability in the operation of the IPPB equipment.

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Sections 1569.2(a), (e), and (j); 1569.30(b); and 1569.312; Health and Safety Code.

Adopt Section 87705 to read:

87705 COLOSTOMY/ILEOSTOMY

87705

(a) The licensee shall be permitted to accept and retain a resident who has a colostomy or ileostomy under the following circumstances:

(1) If the resident is mentally and physically capable of providing all routine care for his/her ostomy, and the physician has documented that the ostomy is completely healed.

OR

(2) If assistance in the care of the ostomy by an appropriately skilled professional has been approved by the Licensing Agency.

(b) In addition to Section 87702.1, licensees who admit or retain residents with a colostomy or ileostomy shall comply with the following:

(1) Ensuring that ostomy care is provided by an appropriately skilled professional.

(2) Ensuring that used bags are discarded as specified in Section 87691(f)(1).

(3) Ensuring that privacy is afforded when ostomy care is provided.

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Sections 1569.2(a), (e), and (j); 1569.30(b); and 1569.312; Health and Safety Code.

Adopt Section 87706 to read:

87706 ENEMA AND/OR SUPPOSITORY AND FECAL
 IMPACTION REMOVAL

87706

- (a) The licensee shall be permitted to admit or retain a resident who requires manual fecal impaction removal, enemas, or use of suppositories under the following circumstances:
- (1) Manual fecal impaction, enemas, and/or suppositories shall be permitted if administered according to physician's orders by either the resident or an appropriately skilled professional.
- (b) In addition to Section 87702.1, licensees who admit or retain residents who require the use of enemas, suppositories, or fecal impaction removal shall comply with the following:
- (1) Ensuring that the administration of enemas or suppositories or manual fecal impaction removal is performed by an appropriately skilled professional should the resident require assistance.
- (2) Ensuring that privacy is afforded when care is being provided.

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Sections 1569.2(a), (e), and (j); 1569.30(b); and 1569.312; Health and Safety Code.

Adopt Section 87707 to read:

87707 INDWELLING URINARY CATHETER/CATHETER 87707
 PROCEDURE

(a) The licensee shall be permitted to admit or retain a resident who requires the use of an indwelling catheter under the following circumstances:

(1) If the resident is physically and mentally capable of caring for all aspects of the condition except insertion and irrigation.

(A) Irrigation shall only be performed by an appropriately skilled professional in accordance with the physician's orders.

(B) A catheter shall only be inserted and removed by an appropriately skilled professional under physician's orders.

(b) In addition to Section 87702.1, licensees who admit or retain residents who require the use of indwelling catheters shall comply with the following:

(1) Ensuring that insertion and irrigation of the catheter is performed by an appropriately skilled professional.

(2) Ensuring that bags and tubing are changed by an appropriately skilled professional should the resident require assistance.

(3) Ensuring that waste materials are disposed of as specified in Section 87691(f)(1).

(4) Ensuring that privacy is maintained when care is provided.

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Sections 1569.2(a), (e), and (j); 1569.30(b); and 1569.312; Health and Safety Code.

Adopt Section 87708 to read:

87708 MANAGED BOWEL AND BLADDER INCONTINENCE 87708

(a) The licensee shall be permitted to accept or retain a resident who has a manageable bowel and/or bladder incontinence condition under the following circumstances:

(1) If the condition can be managed with any of the following:

(A) A structured bowel and/or bladder retraining program to assist the resident in restoring a normal pattern of continence.

(B) A program of scheduled toileting at regular intervals.

(C) Keeping the resident clean and dry by means of incontinent pads or disposable diapers.

(b) In addition to Section 87702.1, licensees who admit or retain residents who require care for bowel and/or bladder incontinence shall comply with the following:

(1) Ensuring that residents who benefit from scheduled toileting are assisted or reminded to go to the bathroom at regular intervals rather than being diapered.

(2) Ensuring that incontinent residents are checked during those periods of time when they are known to be incontinent, including during the night.

(3) Ensuring incontinent residents are kept clean and dry.

(4) Ensuring that bowel and/or bladder programs designed by an appropriately skilled professional with training and experience in care of elderly persons with bowel and/or bladder dysfunctions and development of retraining programs for restoration of normal patterns of continence.

(5) Ensuring that the appropriately skilled professional developing the bowel and/or bladder program provide training to the facility staff responsible for implementation of the program.

- (6) Ensuring that assessments of the resident's condition and the evaluation of the effectiveness of the bowel and/or bladder program be performed as determined by the appropriately skilled professional who ordered and/or developed the program.
- (7) Ensuring that used diapers and pads are disposed of as specified in Section 87691(f)(1).
- (8) Ensuring that privacy is afforded when care is provided.
- (9) Ensuring fluids are not withheld to control incontinence.
- (10) Ensuring that incontinent residents are not catheterized to control incontinence for the convenience of the licensees.

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Sections 1569.2(a), (e), and (j); 1569.30(b); and 1569.312; Health and Safety Code.

Adopt Section 87709 to read:

87709

CONTRACTURES

87709

- (a) The licensee shall be permitted to admit or retain a resident who has contractures under the following circumstances:
- (1) If the contractures do not restrict the resident's mobility or severely affect functional ability and the resident is able to care for the contractures by him/herself.
- OR
- (2) If the contractures do not restrict the resident's mobility or severely affect functional ability and care is provided by an appropriately skilled professional and approved by the Licensing Agency.
- (b) In addition to Section 87702.1, licensees who admit or retain residents who have contractures shall comply with the following:
- (1) Ensuring that range of motion exercises or other exercise(s), if prescribed by the physician, are performed by an appropriately skilled professional.

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Sections 1569.2(a), (e), and (j); 1569.30(b); and 1569.312; Health and Safety Code.

Adopt Section 87710 to read:

87710

DIABETES

87710

- (a) The licensee shall be permitted to admit or retain a resident who has diabetes if the resident is able to perform his/her own glucose testing with blood or urine specimens, and is able to administer his/her own medication or has it administered by an appropriately skilled professional.
- (b) In addition to Section 87702.1, licensees who admit or retain residents who have diabetes shall comply with the following:
- (1) Assisting residents with self-administered medication as specified in Section 87575.
 - (2) Ensuring that sufficient amounts of medicines, testing equipment, syringes, needles and other supplies are maintained in the facility and are stored as specified in Section 87575(c).
 - (3) Ensuring that syringes and needles are disposed of as specified in Section 87691(f)(2).
 - (4) Providing modified diets prescribed by a resident's physician as specified in Section 87576(b)(7).

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Sections 1569.2(a), (e), and (j); 1569.30(b); and 1569.312; Health and Safety Code.

Adopt Section 87711 to read:

87711

INJECTIONS

87711

- (a) The licensee shall be permitted to admit or retain residents who require intramuscular injections subcutaneous or intradermal if the injections are administered by the resident or by an appropriately skilled professional.
- (b) In addition to Section 87702.1, licensees who admit or retain residents who require injections shall comply with the following:

 - (1) Ensuring that injections are administered by an appropriately skilled professional should the resident require assistance.
 - (2) Ensuring that sufficient amounts of medicines, test equipment, syringes, needles and other supplies are maintained in the facility and are stored as specified in Section 87575(c).
 - (3) Ensuring that syringes and needles are disposed of as specified in Section 87691(f)(2).

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Sections 1569.2(a), (e), and (j); 1569.30(b); and 1569.312; Health and Safety Code.

Adopt Section 87712 to read:

87712 PROTECTIVE SUPERVISION

87712

(a) The licensee shall be permitted to admit or retain a resident who requires protective supervision under the following circumstances:

(1) If the residents are mildly confused, able to follow instructions, and can be protected from harming themselves or others and the facility can meet the needs for the residents (Protective Supervision A).

OR

(2) If the residents are severely confused, have difficulty making their needs known, and/or have difficulty following instructions and the facility has additional precautions to protect the residents and approval from the Licensing Agency has been obtained (Protective Supervision B).

(b) In addition to Section 87702.1, licensees who admit or retain residents who require protective supervision shall comply with the following:

(1) Ensuring that staffing is adequate to provide the supervision for those who require it while meeting the needs of all facility residents.

(2) Ensuring that the facility has the appropriate fire clearance as specified in Sections 87689 and 87110(b).

(3) Ensuring that the facility has a written plan for meeting the needs of residents who require protective supervision

(4) Ensuring that in addition to Section 87691 safety of the physical plant shall include, but not be limited to, the following:

(A) Ranges, heaters, wood stoves, inserts, and other heating devices are made inaccessible.

(B) Swimming pools and other bodies of water are fenced.

(C) Knives, matches, firearms, tools and other items that could constitute a danger to the residents are stored where they are inaccessible to the residents.

- (D) Over-the-counter medication in addition to those specified in Section 87575 and all toxic substances such as plants and cigarettes are made inaccessible.
 - (F) Yards shall be completely fenced, with self-closing latches and gates.
 - (F) Exterior doors shall include an operational bell/buzzer or other auditory devices to alert staff when the door is opened.
 - (G) The furniture and the equipment are safe and appropriate.
- (5) Ensuring that facility staff has training in the proper care of persons requiring protective supervision.

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Sections 1569.2(a), (e), and (j); 1569.30(b); and 1569.312; Health and Safety Code.

Adopt Section 87713 to read:

87713 HEALING WOUNDS

87713

(a) The licensee shall be permitted to admit or retain a
resident who has a healing wound under the following
circumstance:

(1) When care is provided by an appropriately skilled
medical professional, and is approved by the Licensing
Agency.

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Sections 1569.2(a), (e), and (j); 1569.30(b);
and 1569.312; Health and Safety Code.

Adopt Section 87714 to read:

87714 TRANSFER DEPENDENCY

87714

Cx (a) The licensee shall be permitted to accept and retain a resident who cannot independently transfer to and from bed under the following circumstances:

(1) An appropriate fire clearance is obtained.

(2) An exception has been approved by the Licensing Agency.

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Sections 1569.2(a), (e), and (j); 1569.30(b); and 1569.312; Health and Safety Code.

Adopt Section 87715 to read:

87715 PRN MEDICATIONS

87715

- (a) The licensee shall be permitted to accept and retain residents who require PRN medications under the following circumstances:
- (1) The resident is able to determine his/her own need for the PRN.
- OR
- (2) The doctor is contacted to make the determination for the PRN medication if the resident cannot determine his/her own need.
- (b) There shall be written detailed instructions on the prescription label, including the symptoms which might require the use of the medication, the exact dosage, exact time frames between doses and the maximum dosage to be given in a 24-hour period.
- (c) In addition to Section 87702.1, licensees who admit or retain residents who require PRN medications shall comply with the following:
- (1) Document date and time of contacts with the doctors.
- (2) Time and effect of medication.

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Sections 1569.2(a), (e), and (j); 1569.30(b); and 1569.312; Health and Safety Code.

Adopt Section 87720 to read:

87720

INCIDENTAL MEDICAL RELATED SERVICES
APPEALS

87720

- (a) The licensee may request an appeal if they disagree with the health condition determination made by the licensing agency by submitting a written request for an appeal to the licensing agency within 10 days of the receipt of the determination.
- (b) All appeals submitted by the licensee shall be in writing and shall include, but not be limited to, the following:

 - (1) The reason for disagreeing with the determination by the Licensing Agency and why the resident's condition falls within the allowable limits for an RCFE.
 - (2) Letters of support from the resident's physician and/or responsible person.
 - (3) Letter of support from the appropriate placement agency, if any.

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Sections 1569.2(a), (e), and (j); 1569.30(b); and 1569.312; Health and Safety Code.

Adopt Section 87721 to read:

87721 INCIDENTAL MEDICAL RELATED SERVICES 87721
EXCEPTIONS

- (a) As specified in Section 87116 the licensee may submit a written exception request if he/she agrees that the resident has a prohibited health condition but believes that the intent of the law can be met through alternative means.
- (b) All exceptions meeting the criteria outlined in Section 87116 shall be granted.
- (c) Written requests shall include, but are not be limited to, the following:
 - (1) Documentation of the resident's current health information including updated medical reports, other documentation of the current health, prognosis, and expected duration of condition.
 - (2) The facility plan for ensuring that the resident's health related needs can be met by the facility.

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Sections 1569.2(a), (e), and (j); 1569.30(b); and 1569.312; Health and Safety Code.

Adopt Section 87722 to read:

87722 LICENSING AGENCY REVIEW

87722

- (a) Certain health-related conditions as specified in Sections 87703 through 87715 require review by licensing staff to determine if the resident will be allowed to remain in the facility. The licensing analyst shall inform the licensee that the health-related condition of the resident requires review and shall specify documentation which the licensee needs to submit to the District Office required by Section 87561, 87587 and 87588.
- (1) Documentation shall include, but not be limited to the following:
- (A) Physician's assessment(s).
 - (B) Pre-admission appraisal.
 - (C) Copies of prescriptions for medications and/or medical equipment.
 - (D) Plan for minimizing the impact on other residents.
- (2) The documentation shall be submitted to the Licensing Agency within 10 days.
- (b) If the licensing agency determines that the resident shall be allowed to remain, the licensee shall provide care to the resident in accordance with the conditions specified in Sections 87703 through 87715.
- (c) If the Licensing Agency determines that the resident has a prohibited health condition as specified in Section 87701, the licensee shall submit a plan for relocating the resident and shall be informed of their appeal rights as specified in Sections 87720 and 87721.

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Sections 1569.2(a), (e), and (j); 1569.30(b); and 1569.312; Health and Safety Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

In this office of the Secretary of State
of the State of California

APR 18 1989

At 4:10 o'clock P. M.

MARCH FONG EU, Secretary of State

By *[Signature]*
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 89-0411-03

[Signature]
LINDA BREWER
DIRECTOR

04/18/89

FACE SHEET

89-0321-01C
RDB #1088-46
(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

FILED
In this office of the Secretary of State
of the State of California

1989 MAR 21 11:26
OFFICE OF
ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING
APR 20 1989

DEPARTMENT OF SOCIAL SERVICES

CERT

AGENCY OFFICER WITH RULEMAKING AUTHORITY

APR 20 1989
At 4:40 o'clock P.M.
MARCH FONG EU, Secretary of State
By Luella Chun
Deputy Secretary of State

For use of Office of Adm Law

Date: 3-20-89

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions)
Rosalie Clark, Chief Regulations Development Bureau 445-0313
2. Type of filing, (check one) ☐ 30-day Review ☐ Emergency ☒ Certificate of Compliance (Complete Part 4 below)
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
3. a. Specify California Administrative Code title and sections as follows:
Title MPP
SECTIONS ADOPTED: 42-720.573, 42-760.2, 42-761.11
SECTIONS AMENDED: 42-710.26, 42-720.63
SECTIONS REPEALED:
b. The following sections listed in 3a contain modifications to the text originally made available to the public: N/A
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)
☐ prior to the emergency adoption
☒ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?
☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL: _____
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?
☒ No ☐ Yes, if yes, give date statement was submitted to OAL _____
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)
☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
☐ Other _____ (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER 12/30/88
b. DATE OF FINAL AGENCY ACTION 3/20/89
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c)) N/A
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)
a. ☐ Effective 30th day after filing with the Secretary of State.
b. ☒ Effective upon filing with the Secretary of State.
c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
e. ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: ~~Nonsubstantive~~ changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400* attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

Amend Section 42-710.26 to read:

42-710 INTRODUCTION TO GAIN (Continued)

42-710

•2 Major Program Requirements (Continued)

- 26 When the county becomes a GAIN county, the caseload can be phased-in over a three-year period.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11320.2(f), Welfare and Institutions Code.

Adopt Section 42-720.573 to read:

42-720 THE GAIN COUNTY PLAN (Continued)

42-720

.5 SDSS County Plan Approval (Continued)

.573 Whether a phase-in plan is likely to result in the subsequent removal of a disproportionate number of active participants from the program if reductions are implemented pursuant to Section 42-720.6.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11320.21(d)(2), Welfare and Institutions Code.

Amend Section 42-720.63; repeal Sections 42-720.631 through .638; renumber Sections 42-720.64 to .65, .641 to .651, .642 to .652, and .643 to .653; and adopt Sections 42-720.631 and .632 et seq., .64, .64(a) and (b), .652(b), .66, .67, and .67(a) and (b) to read:

42-720 THE GAIN COUNTY PLAN (Continued)

42-720

.6 CWD Reduction Plan

.61 (Continued)

.62 (Continued)

.63 The CWD shall use the following methods to reduce costs and shall use only those methods that are necessary to bring anticipated expenditures within the amounts allocated to the CWD.

.631 Counties in their phase-in period shall first halt intake into the GAIN program in the following order:

- (a) Aid to Families with Dependent Children-Unemployed Parent Program applicants who are mandatory registrants or who voluntarily register for GAIN although exempt from registration.
- (b) Aid to Families with Dependent Children-Family Group Program applicants who are mandatory registrants or who voluntarily register for GAIN although exempt from registration.
- (c) Aid to Families with Dependent Children-Family Group or Unemployed Parent recipients, excluding teenage parents, who voluntarily register for GAIN although exempt from registration.
- (d) All Aid to Families with Dependent Children-Unemployed Parent recipients who have been on aid for less than one year.
- (e) All Aid to Families with Dependent Children-Unemployed Parent recipients who have been on aid continuously for less than two years.

- (f) All Aid to Families with Dependent Children-Family Group recipients who have been on aid for less than one year.
- (g) All Aid to Families with Dependent Children-Family Group recipients who have been on aid continuously for less than two years.
- (h) Volunteer teenage parent registrants.
- (i) All remaining Aid to Families with Dependent Children recipients, with recipients who have been on aid the longest being the last to be excluded.

.632 Counties that have fully phased-in their caseload, shall first halt intake into the GAIN program as follows:

- (a) Aid to Families with Dependent Children-Unemployed Parent program applicants who are mandatory registrants or who voluntarily register for GAIN although exempt from registration.
- (b) Aid to Families with Dependent Children-Family Group program applicants who are mandatory registrants or who voluntarily register for GAIN although exempt from registration.
- (c) Aid to Families with Dependent Children-Family Group or Unemployed Parent recipients, excluding teenage parents, who voluntarily register for GAIN although exempt from registration.
- (d) Recipients whose registration status changes from exempt to mandatory.
- (e) Recipients who lose their deferral status.

.64 If reductions under Sections 42-720.631 or .632 are not sufficient to bring anticipated expenditures within the County's allocation, the CWD shall exclude from program participation recipients who are currently participating in a program component. The CWD shall exclude participants in the following order:

(a) Volunteers, except for teen parents, currently participating in a program component, shall be the first to be excluded from continued program participation.

(b) All other participants in the order listed in Sections 42-720.631(d) through (i).

.65 (Continued)

.651 (Continued)

.652 (Continued)

(a) (Continued)

(b) Except as provided in Sections 42-720.66 and .67, persons identified as excluded shall be excluded from program participation throughout the fiscal year even if their exclusion status changes.

.653 (Continued)

.66 In the event funds become available, the CWD must halt its reduction process and resume services in accordance with the procedures established under Section 42-720.661(a) below.

.661 The CWD reduction plan must describe:

(a) The methodology to be used to resume services to individuals excluded or targeted for exclusion under the reduction plan; and

(b) The re-entry methodology to be used at the end of the reduction period for those individuals who were excluded from program participation during the prior fiscal year.

.67 The CWD shall serve excluded individuals who express a desire to participate in the program if the following conditions are met:

(a) Participation of these excluded individuals would not interrupt services to individuals already participating in the program;

(b) The individuals desiring to participate are not applicants or volunteer registrants.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10554, 11320.21(d), Welfare and Institutions Code.

Adopt Section 42-760.2 and renumber subsequent sections to read:

42-760 GAIN REGISTRATION (Continued)

42-760

.2 If the County is under statutory reductions in accordance with Section 42-720.6, the CWD shall provide a written notification of registration to excluded individuals. The notification shall include information regarding the reason for exclusion and the right to appeal this determination. The County shall notify the excluded individuals of their right to a state hearing as specified in MPP Division 22. use the notification format and language developed by SASS. Sections 42-760.3 through .5 do not apply to excluded individuals.

.3 (Continued)

.4 (Continued)

.41 (Continued)

.42 (Continued)

.43 (Continued)

.5 (Continued)

.6 (Continued)

.7 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10554, 11320.21(d), Welfare and Institutions Code.

Adopt Section 42-761.11 to read:

42-761 GAIN REGISTRANT APPRAISAL (Continued)

42-761

.1 (Continued)

- .11 The CWD shall not conduct the appraisal activities specified in Sections 42-761.3 through 42-761.43, for individuals excluded from program participation in accordance with Sections 42-720.63 through .64, unless the individuals are permitted to participate pursuant to Sections 42-720.66 or Section 42-720.67. The CWD shall collect data on these excluded individuals in conformity with ~~§955 requirements~~ Section 42-720.7.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11320.21(d), Welfare and Institutions Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION
OF
APPROVAL

FILED
In this office of the Secretary of State
of the State of California

APR 20 1989
At 4:40 o'clock P.M.
MARCH FONG EU, Secretary of State
By Linda Brewer
Deputy Secretary of State

This certifies that the regulations submitted in the
rulemaking file identified below were reviewed and approved
by the Director of the Office of Administrative Law in the
city of Sacramento, state of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 89-0321-01


LINDA BREWER
DIRECTOR

04/20/89

FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

89-0327-03C

FILED
In this office of the Secretary of State
of the State of California

APR 20 1989
At 4:40 o'clock P. M.
MARCH FONG EU, Secretary of State
By Janella Lury
Deputy Secretary of State

**ENDORSED
APPROVED FOR FILING**

APR 20 1989

Office of Administrative Law

For use of Office of Adm Law

State Department of Social Services

(AGENCY)

AGENCY OFFICER WITH RULE MAKING AUTHORITY

Date:

3-23-89

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions)

Rosalie Clark, Chief	Regulations Development	(916) 445-0313
----------------------	-------------------------	----------------
2. Type of filing, (check one)

<input type="checkbox"/> 30-day Review	<input type="checkbox"/> Emergency	<input checked="" type="checkbox"/> Certificate of Compliance (Complete Part 4 below)
<input type="checkbox"/> Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)		
<input type="checkbox"/> Nonsubstantive changes with nonregulatory effect <input type="checkbox"/> Printing Error Correction		
3. a. Specify California Administrative Code title and sections as follows:

Title <u>MPP</u>	SECTIONS ADOPTED: <u>63-082</u>
	SECTIONS AMENDED: <u>63-502.2</u>
	SECTIONS REPEALED: _____

b. The following sections listed in 3a contain modifications to the text originally made available to the public: 63-502.2
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

<input type="checkbox"/> prior to the emergency adoption
<input checked="" type="checkbox"/> within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes, if yes, give date(s) of prior submittal(s) to OAL: _____
----------------------------------------	----------------------------------------------------------------------------------------
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes, if yes, give date statement was submitted to OAL: _____
----------------------------------------	---------------------------------------------------------------------------------------
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

<input type="checkbox"/> Fair Political Practices Commission (Include FPPC approval stamp)	<input type="checkbox"/> Building Standards Commission (Attach approval)
<input type="checkbox"/> State Fire Marshall (Attach approval)	<input type="checkbox"/> Department of Finance (Attach properly signed Std. 399)
<input type="checkbox"/> Other _____ (SPECIFY AGENCY)	
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER
November 25, 1988
- b. DATE OF FINAL AGENCY ACTION
March 23, 1989
- c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))
February 22, 1989- March 09, 1989
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

a. <input type="checkbox"/> Effective 30th day after filing with the Secretary of State.
b. <input checked="" type="checkbox"/> Effective upon filing with the Secretary of State.
c. <input type="checkbox"/> Effective on _____ as required or allowed by the following statute(s): _____
d. <input type="checkbox"/> Effective on _____ (Designate effective date <i>earlier than</i> 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).) Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
e. <input type="checkbox"/> Effective on _____ (Designate effective date <i>later than</i> the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. ~~When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.~~ (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikethrough to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400* attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

Adopt Section 63-082 to read:

63-082 IMPLEMENTATION OF CHARITABLE DONATIONS
REQUIREMENTS

63-082

- .1 The amended provision in Section 63-082.2 shall be implemented as follows:
 - .11 Effective December 1, 1988, the CWDs shall implement the amended provision for all new food stamp applications and continuing cases.
 - .12 In accordance with 7 CFR 272.1(g)(98), benefits shall be restored to entitled households at the time of recertification, upon the request of the household, or when the CWD otherwise becomes aware that benefits should be restored. Restored benefits are to be provided back to the date of application or February 1, 1988, whichever occurred later. Restoration shall be made in accordance with Section 63-802 except that the twelve-month limit for restoring benefits shall not apply.
- .2 The section affected by this revision is 63-502.2(c) through (1).

Authority Cited: Sections 10553, 10554 and 18904 of the Welfare and Institutions Code.

Reference: Sections 18901 and 18904 of the Welfare and Institutions Code, and 7 CFR 272.1(g)(98).

Renumber Sections 63-502.2(c) through (k) to (d) through (l).

•2 Income Exclusions. Only the following items shall be excluded from household income:

(b) Continued

(c) Cash donations received from one or more private, nonprofit charitable organizations of not to exceed more than \$300 in a calendar quarter i.e. January-March, April-June, July-September, October-December.

(1) For example, in the calendar quarter January through March, the household received \$100 in January, \$100 in February and \$200 in March, for a total of \$400 from two private nonprofit charitable organizations. The \$100 in January, \$100 in February and \$100 of the \$200 in March will be excluded for a total of \$300 which can be excluded under this provision. The remaining \$100 received in March will be counted as income to the household.

(de) Continued

(fa) Continued

(qh) Continued

(Hi) Continued

(+j) Continued

(jk) Continued

(*1) Continued

Wien, Österreich

Authority Cited: Sections 10553, 10554 and 18904 of the Welfare and Institutions Code.

Reference: Section 18901 of the Welfare and Institutions Code and 7 CFR 273.9(c)(2).

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

In this office of the Secretary of State
of the State of California

APR 20 1989

At 4:40 o'clock P.M.

MARCH FONG EU, Secretary of State

By Linda Brewer
Deputy Secretary of State

This certifies that the regulations submitted in the
rulemaking file identified below were reviewed and approved
by the Director of the Office of Administrative Law in the
city of Sacramento, state of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 89-0327-03



LINDA BREWER
DIRECTOR

04/20/89

FACE SHEET

(See Instructions on Reverse)

RDB #1088-42

1989 MAR 23 PM 2 18

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING
APR 24 1989

For use of Office of Adm Law

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulation adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

DEPARTMENT OF SOCIAL SERVICES

(AGENCY)

L. S. Michel

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 3-20-89

FILED

In this office of the Secretary of State
of the State of California

APR 24 1989

At 4:45 o'clock P. M.
MARCH FONG EU, Secretary of State
By *Robert Bate*
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING
(See instructions)
Rosalie Clark, Chief, Regulations Development Bureau
TELEPHONE
445-0313
2. Type of filing, (check one) ☒ 30-day Review ☐ Emergency ☐ Certificate of Compliance
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
3. a. Specify California Administrative Code title and sections as follows:
Title MPP
SECTIONS ADOPTED: 63-081.1
SECTIONS AMENDED: 63-201.2
SECTIONS REPEALED:
b. The following sections listed in 3a contain modifications to the text originally made available to the public:
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)
☐ prior to the emergency adoption
☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?
☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL:
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?
☒ No ☐ Yes, if yes, give date statement was submitted to OAL
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)
☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
☐ Other _____ (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER
December 16, 1988
b. DATE OF FINAL AGENCY ACTION
March 20, 1989
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))
N/A
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)
a. ☐ Effective 30th day after filing with the Secretary of State.
b. ☐ Effective upon filing with the Secretary of State.
c. ☐ Effective on _____ as required or allowed by the following statute(s):
d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
e. ☒ Effective on 06/01/89 (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

Adopt MPP Section 63-081 to read:

63-081 IMPLEMENTATION OF HART v. McMAHON

63-081

.1 CWDs shall, no later than June 1, 1989, be in compliance with the revision to Section 63-201.2.

Authority Cited: Section 18904, Welfare and Institutions Code.

Reference: Section 18908, Welfare and Institutions Code;
 and 7 CFR Section 272.1(a)

Amend MPP Section 63-201.2 to read:

63-201 GENERAL TERMS AND CONDITIONS

63-201

- .1 Coupons as Income (Continued)
- .2 No Aid Reduction

Counties shall not decrease any assistance otherwise provided an individual or individuals because of the receipt of a coupon allotment.

- .21 This section requires that the receipt or availability of food stamps cannot be considered when computing the amount of public assistance or general relief/assistance payments.

HANDBOOK

This section requires that the receipt or availability of food stamps cannot be considered when computing the amount of public assistance or general relief/assistance payments.

Authority Cited: Section 18904, Welfare and Institutions Code.

Reference: Section 18908, Welfare and Institutions Code;
and 7 CFR Section 272.1(a).

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

In this office of the Secretary of State
of the State of California

APR 24 1989

At 445 o'clock P M.

MARCH FONG EU, Secretary of State

By [Signature]
Deputy Secretary of State

This certifies that the regulations submitted in the
rulemaking file identified below were reviewed and approved
by the Director of the Office of Administrative Law in the
city of Sacramento, state of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 89-0323-02

[Signature]

LINDA BREWER
DIRECTOR

04/24/89

FACE SHEET

(See Instructions on Reverse)

1989 MAR 27 11:32

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING

APR 26 1989

Office of Administrative Law

For use of Office of Adm Law

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW
CERT
CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

State Department of Social Services

(AGENCY)

L. S. Michel

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 3-23-89

RDB #1088-45

FILED

In this office of the Secretary of State
of the State of California

APR 26 1989

At 4:40 o'clock P.M.

MARCH FONG EU, Secretary of State

By *Anita King*
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions)
Rosalie Clark, Chief, Regulations Development Bureau
TITLE
TELEPHONE 445-0313
2. Type of filing, (check one) ☐ 30-day Review ☐ Emergency ☒ Certificate of Compliance (Complete Part 4 below)
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
3. a. Specify California Administrative Code title and sections as follows:
Title MPP
SECTIONS ADOPTED:
SECTIONS AMENDED:
SECTIONS REPEALED:
63-407
b. The following sections listed in 3a contain modifications to the text originally made available to the public: _____
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)
☐ prior to the emergency adoption
☒ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?
☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL: _____
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?
☒ No ☐ Yes, if yes, give date statement was submitted to OAL: _____
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)
☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
☐ Other _____ (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER
12/16/88
b. DATE OF FINAL AGENCY ACTION
3/23/89
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))
N/A
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)
a. ☐ Effective 30th day after filing with the Secretary of State.
b. ☒ Effective upon filing with the Secretary of State.
c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
e. ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

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- Part 2.** Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a.** Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b.** Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4.** Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5.** Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6.** OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7.** Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a.** Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b.** Provide the date on which the regulatory agency adopted the regulatory changes.
- c.** If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9.** Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400* attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

.8 Food Stamp Employment and Training Program

.81 CWD Screening (Continued)

- .811 The following registrants shall be deferred from mandatory participation until the CWD determines that the situation precluding participation no longer exists.

(a) (Continued)

(b) (Continued)

(c) A person who is unable to participate due to personal circumstances. This shall include persons who:

(1) (Continued)

(2) (Continued)

(3) (Continued)

(4) (Continued)

(5) (Continued)

(6) (Continued)

(7) (Continued)

.812 (Continued)

.813 (Continued)

.814 (Continued)

Authority Cited: Sections 10553, 10554 and 18902 of the Welfare and Institutions Code.

Reference: 7 CFR 273.7(f)(2).

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

In this office of the Secretary of State
of the State of California

APR 20 1989

At 4:40 o'clock P.M.

MARCH FONG EU, Secretary of State

By *Louella Gu*
Deputy Secretary of State

This certifies that the regulations submitted in the
rulemaking file identified below were reviewed and approved
by the Director of the Office of Administrative Law in the
city of Sacramento, state of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 89-0327-02

L. Brewer

LINDA BREWER
DIRECTOR

04/26/89
